

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41729 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -MEHDIGANJ District- PATNA

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Yogendra Prasad @ Yogi Son of late Bhulenshwar Prasad Resident of
Sakin Chowalal Lane, Nawab Bahadur Road, PS Khajekalan, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Verma, Advocate

For the Opposite Party : Mr. Sri Ganesh Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with
Mehdiganj P.S Case No. 48 of 2016 registered for the offences
punishable under Sections 363 and 366 of the Indian Penal Code.

Allegedly, the petitioner used to come at the house of
the informant and he kidnapped Kiran Kumar, the daughter of the
informant with a purpose to marry with her. During investigation,
the statement of the victim girl was recorded, she has stated that
the petitioner put vermilion on her head and thereafter committed
sexual assault five times, she became pregnant but the pregnancy
was aborted.

Submission is of false implication and that the



petitioner was demanding the commission from the informant which he was not ready to pay, resulting, the informant implicated the petitioner in false case. There is no allegation of kidnapping, in the statement recorded under section 164 of Cr.P.C. rather the victim girl who is aged about 20 years as per F.I.R. and also her statement recorded under section 164 of Cr.P.C. she went out of her own sweet will and it was consented sex and, as such, no offence as alleged is made out against the petitioner. In medical evidence also the Doctor has found that she seems to be habitual sexual intercourse and age was found 17-19 years.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the victim girl went out her own will with the petitioner, the victim never disclosed anything to anyone, but when her father and brother started assaulting her and started pressing her neck then she narrated the story, and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Patna City, in connection with Mehdiganj P.S Case No. 48 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of

the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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