

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33027 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -MAGADH UNIVERSITY District- GAYA

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Ram Pukar Yadav @ Baghwa Son of Sri Kailaspati Yadav @ Praveend
Kumar Resident of Village- Parariya, Police Station - Magadh University
District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Magadh University P.S. Case No. 25 of 2016 registered for the
offence punishable under Section 366A of the Indian Penal Code.

The prosecution case, in brief, is that on
31.03.2016 at 10:00 A.M., daughter of the informant, Rakhi
Kumari aged about 16 years had gone to Cherki for study, but she
did not return back till evening. Informant thereafter searched her
daughter, but she could not be traced. It is alleged that fifteen days
ago, Vikash Yadav, Ram Pukar Yadav @ Baghwa (petitioner) had
come to her house and threatened that they would kidnap her
daughter. It is further alleged that daughter of the informant has

been kidnapped by the accused persons.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in the aforesaid case being cousin brother of accused Vikash Yadav with whom informant's daughter is alleged to have eloped. He further submits that no specific allegation has been made against the petitioner in her statement under Section 164 of the Cr.P.C. by the victim, who has herself stated that out of her own sweet will, she had run away with Vikash Yadav. It has further been submitted that although the date of incident is 31.03.2016, but the First Information Report has been lodged on 05.04.2016, after inordinate delay and no plausible explanation has been given for such delay. Learned counsel for the petitioner also draws my attention to Annexure-3 to this application, which is medical examination report of the victim, Rakhi Kumari in which her age has been assessed as 17 years 6 months, although in her statement under Section 164 of the Cr.P.C., learned Magistrate has ascertained her age as 15 years.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is no specific allegation

against the petitioner and during medical examination, age of the victim has been assessed as 17 years 6 months, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Magadh University P.S. Case No. 25 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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