

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12488 of 2017

Arising Out of PS.Case No. -240 Year- 2016 Thana -KISHANPUR District- SUPAUL

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1. Ajit Yadav @ Ajeet Kumar Yadav Son of Ram Yadav, Resident of
Village- Basha, P.S.- Pipra, District- Supaul. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 02-05-2017 Heard the learned counsel for the petitioner, the

learned counsel for the informant as well as the learned Additional

Public Prosecutor.

The petitioner seeks bail in Kishanpur P.S. case No.
240 of 2016 under Section 366, 120B/34 of the Indian Penal Code.

The informant alleged that petitioner, with the help of
others, kidnapped his daughter-in-law, wife of Ram Chandra
Yadav.

The learned counsel for the petitioner submits that
victim was in love with petitioner and she voluntarily left her
house. After one month of her recovery, she made her statement
under Section 164 of the Cr. P. C. and disclosed that petitioner
took her to the house of his maternal uncle and from there the
petitioner took her to Mumbai. This fact itself shows that the
victim was a consenting party. The petitioner is in jail since



28.11.2016.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that victim stated that petitioner forcibly committed rape with her but on perusal of the records, it appears that the victim was kidnapped in the night and she herself stated in her statement under Section 164 of the Cr. P. C. that petitioner took her to different places and also kept her in Mumbai for a month and committed rape with her. Victim has already been married with Ram Chandra Yadav. She was taken to different places but she did not raise any objection on being kidnapped by the petitioner. This fact shows that there was tacit consent of the victim.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Kishanpur P.S. Case No. 240 of 2016 (G.R. No. 2189/2016).

(Prabhat Kumar Jha, J)

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