

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1565 of 2017

Arising Out of PS.Case No. -181 Year- 2016 Thana -DARBHANGA District- DARBHANGA

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Deepak Kumar Yadav, S/o Shri Raj Kumar Yadav, resident of village -
Shubankarpur, P.S. Town, District - Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharmendra Jha, Advocate

For the Opposite Party : Mr. Murlidhar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and the learned counsel representing the

State.

The petitioner seeks bail in connection with
Darbhanga Town P.S Case No. 181 of 2016 registered for the
offences punishable under Sections 363, 366(A) of the Indian
Penal Code.

Allegedly, two daughters aged about 17 years and 15
years of the informant were abducted by co-accused Manoj Mahto
and the petitioner. During investigation, the girls were recovered
with the petitioner and co-accused and the statement of the victim
girls has been recorded wherein both the victims have stated that
they have gone with co-accused and petitioner out of their own



sweet will and consent, both have stated that they have not been kidnapped.

Submission is of false implication and that the doctor who has examined the victim have found their age between 18-19 years, the victims were major, they went away out of her own sweet will and consent and, as such, no offence as alleged is made out against the petitioner, without any fault the petitioner is suffering in custody since 05.10.2016 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the medical report appears collusive as the victims are own sisters and they are not aged about 18 to 19 years rather one is elder aged about 17 years and other aged about 15 years and the petitioner is responsible for taking away the daughter who is aged about 15 years, further the petitioner is married one and has committed crime against the society also.

In the facts and circumstances stated above, considering the statement of the victim under Section 164 of Cr.P.C. wherein she has denied regarding her kidnapping and further considering the medical report, 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 learned Chief Judicial Magistrate, Darbhanga, in connection with Darbhanga Town P.S. Case No. 181 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)

Rajiv/-

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