

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33595 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -SOUR BAZAR District- SAHARSA

=====

Subhash Yadav, Son of Laxman Yadav, Resident of Village-Govindpur
Barwa Tola, PS Nawhatta, District saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 11-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
01.03.2017 in connection with Sour Bazar P.S. Case No. 34 of
2017 for offences punishable under Sections 366A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Kavita Kumari aged 14 years is traceless. It is
alleged that on 18.01.2017 co-accused Priya Kumari had come to
meet her and thereafter she is traceless.

It has been submitted by the learned counsel for the
petitioner that he is innocent and that the victim girl has been



recovered who has not named the petitioner of taking her away or committing any overt act rather allegation is upon other co-accused. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State oppose the prayer for bail stating therein that the victim is a minor girl and age 15 years as assessed by the Magistrate in the statement under Section 164 Cr.P.C. and that independent witnesses have stated that the victim girl was on talking terms with the petitioner to her mobile.

Considering the facts and circumstances and the materials on record as well as the statement of the victim girl under section 164 Cr.P.C., let petitioner, above named, 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 learned Session Judge, Saharsa in connection with Sour Bazar P.S. Case No.34 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

The trial court is expected to expedite the trial.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

