

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38030 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- CHAUTHAM District- Khagaria

Bhushan Yadav, Son of Chalitar Yadav, Resident of Village- Bangaliya, Post-
Rohiyar, Police Station- Mansi Rohiyar, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366(A)/34 of the IPC.

The prosecution case as per the written report of Kailash Yadav dated 29.1.2018 submitted to the SHO, Choutham Police Station is to the effect that on 28.1.2018 at 7 P.M. while the informant was returning from Balha market along with his daughter Madhu Kumari, aged about 13 years, on the way, he was surrounded by co-accused Amlesh Yadav, Bhupendra Yadav, Paplesh Yadav, Pramod Yadav, Sukhay Devi and the petitioner Bhushan Yadav. The petitioner pointed the pistol on the chest of the informant and co-accused Amlesh Yadav forcibly got the daughter of the informant seated in Bolero vehicle and thereafter decamped after giving threat to his life.



It is submitted by learned counsel for the petitioner that in fact the victim had love affair with co-accused Amlesh Yadav and the petitioner has been roped in the present case since he happens to be the brother-in-law of co-accused Amlesh Yadav. There is inconsistency between the accusation levelled in the FIR and the statement under Section 164 Cr.P.C. wherein the victim has stated in paragraph 9 that when the police started chasing the petitioner, he left the place of confinement at Bangalia and went to Bakhtiyarpur where he was caught by the police on 12.2.2018. On the contrary, she has stated in paragraph 10 of the aforesaid statement that the petitioner caught hold of the informant at Dhamhara Ghat Railway Station from where she escaped and reached Badlaghat Railway Station. It is further submitted that the petitioner is a married person having children. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The statement under Section 164 Cr.P.C. was recorded after nine days of kidnapping of the informant's daughter.

Learned counsel for the informant and learned APP submit that specific case of the informant is that on the point of pistol, the daughter of the informant was kidnapped in presence of the informant and the said accusation is being corroborated by



statement under Section 164 Cr.P.C. of the victim where she has stated that she was being taken by the petitioner and co-accused Amlesh and was kept in confinement in the house of the petitioner for eight days.

Considering the fact that the informant has got her age recorded as 13 years when the Court also assessed as such and the accusation of kidnapping the informant's daughter by holding the informant on gun point has been corroborated by statement under Section 164 Cr.P.C. of the victim girl, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Chautham P.S. Case No. 11 of 2018 pending in the Court of the learned JM Ist Class, Khagaria.

Let the learned Court below consider the prayer of the petitioner for regular bail without being prejudiced by this order.

With the aforesaid observation/direction this application is disposed of.

(Dinesh Kumar Singh, J)

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