

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73996 of 2018

Arising Out of PS. Case No.-307 Year-2017 Thana- KOTWALI District- Munger

Pradeep Yadav @ Pradeep Kumar Son of Raju Yadav, Resident of Village-
Lal Darwaza, Police Station- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-12-2018

Heard both sides.

Petitioner apprehends his arrest in Kotwali P.S. Case No.307 of 2017, registered under Sections 363, 366(A) and 34 of the Indian Penal Code. Later on Section 376 of the Indian Penal Code was also added.

The informant alleged that while his daughter was walking, Birbal Yadav, petitioner Pradeed Yadav, Tarun Yadav and Mala Kumari kidnapped her daughter.

Learned counsel for the petitioner submits that the victim was recovered and she made her statement under Section 164 Cr.P.C. It is further submitted that the victim was in love with Birbal Yadav and petitioner has been implicated in this case only because the petitioner happens to be brother of Birbal Yadav. The victim during the course of trial disclosed that she



did not identify the person who kidnapped her hence petitioner deserves anticipatory bail but from perusal of the FIR as well as the statement of the victim recorded under Section 164 Cr.P.C., it appears that the victim made specific allegation that the petitioner along with Birbal Yadav, Mala Kumari and their mother forcibly kidnapped her and kept confined in a room and Birbal Yadav committed rape. Thereafter the petitioner and Birbal Yadav left her and also threatened her of dire consequences. It appears that the petitioner was absconding as his brother Birbal Yadav is also facing trial.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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

