

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22462 of 2018

Arising Out of PS.Case No. -625 Year- 2017 Thana -BANKA District- BANKA

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Bablu Yadav @ Bablu Kumar, S/o Shyam Sundar Yadav, Resident of
Village- Sarha More (Bangaria), P.S.- Bounshi, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Neelam Kumari

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 03-07-2018

Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Banka PS case no. 625 of 2017 instituted for the offences
punishable under Sections 366A/34 of Indian Penal Code.

The allegation against the petitioner is regarding
alluring and taking away the victim girl to Deoghar, performing
marriage with the victim girl and thereafter, getting her sterilized
in the Hospital/ Nursing Home.

The learned counsel for the petitioner submits that
the statement of the victim girl under Section 164 Cr.P.C. does not
show that the petitioner had established any physical relationship
with the victim girl prior to marriage. It is further submitted that
the victim girl had ample time to raise alarm but she kept quite and
nonetheless, the petitioner is a married person who is the
brother-in-law of the victim girl, hence there was no question for



the petitioner to solemnize marriage with the victim girl. It is also submitted that the petitioner has a clean antecedent and he is in custody since 14.10.2017.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that since the petitioner was minor, any implied consent is of no value, hence the allegation leveled against the petitioner definitely constitute the offences under which the petitioner has been charged. It is further submitted that at the time of performing sterilization operation, the consent of the patient is necessary. At this juncture, the learned counsel for the petitioner has referred to the supervision note and submits that the police found that the victim herself has signed the consent form.

Having regard to the facts and circumstances of the case, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Banka PS case no. 625 of 2017.

(Mohit Kumar Shah, J)

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