

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59488 of 2017

Arising Out of PS.Case No. -372 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Jitendra Kumar Yadav @ Jitendra Kumar, S/o- Kapildeo Yadav, resident of Village- Chhajna, P.S.- Babubarahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 15-01-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection Phulparas P.S.Case No. 372 of 2016 corresponding to G.R. No., 1990 of 2016 registered for offences punishable under Sections 363, 366 (A), 120 (B) of the Indian Penal Code and Section 4/6 POCSO Act.

The informant is the father of the victim girl, who stated in his written complaint that co-accused Md. Mustak was being a JCB driver and Jitendra Kumar Yadav @ Jitendra Kumar a Khalasi and they were engaged in a construction work and always used to come at his shop and Md. Mustak developed relationship with his daughter. It is alleged that his daughter, Simpall Kumari became traceless on 22.12.2016 and during



search, it came into light that accused kidnapped her with bad intention.

From para-35 of the case diary, it appears that as per statement of the victim girl under Section 164 Cr. P. C. the petitioner has not committed rape with her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case due to dirty village politics and nothing has been recovered from the possession of the petitioner and the victim herself has stated in her statement under Section 164 Cr. P.C. that the petitioner was only standing on the road hence, no case under Sections 363, 366 (A) of the Indian Penal Code and 4 POCSO Act has been made out.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- cum- Special Judge, Madhubani in connection with Phulparas P. S. Case No. 372 of 2016 corresponding to G.R. No. 1990 of 2016.

(S. Kumar, J)

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