

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48563 of 2018

Arising Out of PS. Case No.-111 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Gautam Yadav son of Narayan Yadav @ Narayan Prasad Yadav, resident of Village - Ahirauli, P.S.- Buxar (Industrial), District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-08-2018 Heard Sri Arun Kumar Gupta, learned counsel for the petitioner and Sri Tapeswar Sharma, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody in Buxar (Industrial) P.S. Case No. 111 of 2018, registered for offence under Section 366(A)/34 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner, at the very outset, has drawn my attention to the F.I.R. and submits that as per informant/victim, she was kidnapped on 17-05-2018, while she was sleeping in her house along with her family members. The petitioner with other three co-accused persons on the point of pistol kidnapped her and she was taken away to Himachal



Pradesh. While she was in Himachal Pradesh in a room, the room was locked from the outside and accused persons had gone somewhere, in the meanwhile, her cousin brother arrived and knocked the door, then she opened the door from inside. Learned counsel for the petitioner submits that it is a peculiar case, in which the victim firstly stated in the F.I.R. itself that the door was locked from the outside, but after arrival of her cousin brother, she opened the door from inside. He has argued that despite the fact that it was a case of missing of the informant from 17-05-2018, but her parents never lodged any complaint. She was taken back from Himachal Pradesh by her cousin brother to Ludhiyana and when she returned back with her own brother to Buxar, Bihar the present F.I.R. was lodged.

In the statement recorded under Section 164 of the Code of Criminal Procedure, the victim has changed her version. The victim, in her statement recorded under Section 164 Cr.P.C., has stated that on the date of occurrence in night, she was kidnapped on the point of knife, whereas in the F.I.R., she had stated that on the strength of pistol, she was kidnapped.

Learned Addl. Public Prosecutor has opposed the prayer for bail.

Besides hearing, I have also perused the material on



record and after going through the F.I.R. as well as the statement of the victim recorded under Section 164 Cr.P.C., particularly that no complaint was earlier lodged for several days, there is no reason to further detain the petitioner. Accordingly, let the petitioner, namely, Gautam Yadav 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. Case No. 111 of 2018.

(Rakesh Kumar, J.)

nawalkrs/-

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

