

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75477 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- MANJHAGARH District- Gopalganj

Vicky Yadav @ Vikky Yadav @ Vikky, Son of Ramaji Yadav, resident of
Village- Danapur Naya Tola, Police Station- Manjhagarh, District- Gopalganj.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Sri Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case as per the written report of Khajanti Sah submitted to the Station House Officer of Manjhagarh Police Station is to the effect that his daughter, Kavita Kumari, aged about 16 years, has been enticed away by the petitioner. He suspected the hands of three persons in the commission of the said crime namely, Ramaji Yadav, Ramakant Yadav and Sandhya Devi.

It is submitted by learned counsel for the petitioner that, in fact, the victim was in love with the petitioner. The occurrence took place on 18.02.2018 but the written report was



submitted on 10.03.2018. The victim has solemnized marriage with the petitioner on 26.03.2018 in Arya Samaj Temple, New Delhi. The marriage certificate has been issued in that regard, which has been brought on record as Annexure-2. It is further submitted that the doctor has found the age of the victim between 18 to 19 years and has not found sign of any forceful physical relationship. However, the victim in her statement recorded under Section 164 Cr.P.C. has stated that she was going to her sister's place and therefore, she came to Gopalganj in the company of the sister of the petitioner and from there she was being forcibly taken to Siwan by the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the thrust of accusation is against the petitioner and the victim has supported the accusation in her statement recorded under Section 164 Cr.P.C.

Considering the delayed lodging of the FIR, statement of the victim recorded under Section 164 of the Cr.P.C. which suggests that the victim was in the company of the sister of the petitioner and bona-fide of the marriage certificate has not been denied by the prosecution side, which supports the submissions made by the petitioner that the victim was in love



with the petitioner, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 54 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

