

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41069 of 2019

Arising Out of PS. Case No.-31 Year-2018 Thana- BHAGWANGANJ District- Patna

Karu Yadav Son of Shri Brij Nandan Yadav Resident of Village - Bidauli,
P.S.- Bhagwanganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 16.03.2018 has filed the instant application for grant of bail in connection with Bhagwanganj P.S. Case No. 31 of 2018 registered for the offence punishable under sections 366A and 34 of the Indian Penal Code.

As per the allegation in the FIR, while the daughter of the informant was returning from coaching it is alleged that the petitioner who is a tempo driver and one Mantu Yadav kidnapped her with intention of marriage.

It was submitted by learned senior counsel appearing for the petitioner that from perusal of the statement of the victim girl recorded under section 164 Cr.P.C, it would transpire that



she was not taken away forcibly. It was further submitted that in the affidavit before Notary she stated her age to be 19 years and as such she is a major and that marriage has taken place on 18.02.2018. It was further submitted that a prayer has been made for constitution of a medical board as there is anomaly in the age of the victim but the same has not been done. The petitioner is in custody since 16.03.2018 and has no criminal antecedent.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the age of the victim daughter of the informant being 13 years and the direct allegation against the petitioner in the FIR as also in the statement of the victim under section 164 Cr.P.C wherein she has categorically stated that the petitioner committed rape on her on 6-7 occasions, the Court is not inclined to grant bail to the petitioner and as such the application for bail of the petitioner is rejected.

(Partha Sarthy, J)

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