

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58381 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- DHAMDAHA District- Purnia

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JITENDRA YADAV @ CHHOTU YADAV @ NIRMAL KUMAR YADAV
Son of Late - Rajendra Yadav Resident of village- Bela Rikabganj, P.S.-
K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 20-11-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with
Dhamdaha P.S. Case No. 88 of 2019 dated 26.03.2019
instituted for the offences under Sections 363, 120(B)
and 34 of the Indian Penal Code.

A 14 year old girl was abducted from near the
school. This information was provided to the informant
by another daughter of the informant who was
accompanying the abducted girl. After about some days
of the occurrence, the victim girl was recovered and in
her statement under Section 164 Cr.P.C., she has
named the petitioner as having taken to her to Purnea.

Learned counsel for the petitioner submits that
the recovery of girl is from a public place and therefore



the statement made by the victim girl under Section 164 Cr.P.C. is not correct.

Assuming but not admitting that there is some divergence in the statement of the victim girl recorded under Section 164 and the narration given to the informant by her sister after having come back home, it would not make the prosecution case entirely doubtful.

Regard being had to the fact that the victim girl at the relevant time was only 14 years of age whereas the petitioner is a major, I am not inclined to grant bail to him for the present notwithstanding his period of custody from March, 2019.

The petition is dismissed.

(Ashutosh Kumar, J)

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