

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76949 of 2018**

Arising Out of PS. Case No.-2 Year-2018 Thana- MAHILA PS District- East Champaran

Niraj Yadav, Son of Late Bijali Yadav, Resident of Village- Bhairoganj Gaon
P.S.- Bhairoganj, District- West Champaran at Bettiah.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra

For the Opposite Party/s : Mr. Shailendra Kumar -2

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case no. 02 of 2018, registered under Section
366 (A) / 34 of the Indian Penal Code.

The accusation is that in the evening of 20.12.2017
at about 7.00 P.M., daughter of the informant Rajendra Rai,
was aged about 13 years had gone in the field to attend the call
of nature, but she did not return. In course of search, informant
came to know that six accused persons named in the F.I.R.,
including the petitioner has hand in the kidnapping of his minor
daughter. It is also alleged that petitioner used to visit the house
of informant and also driving his tractor and some villagers had
also seen her daughter moving with this petitioner.



Learned counsel for the petitioner submits that, in fact, due to love affairs the daughter of the informant left her parental house and performed marriage with the petitioner and started leading her conjugal life with the petitioner and due to wedlock daughter of the informant was blessed with one baby. Further submission is that the statement of the daughter of the informant was also recorded under Section 164 of the Cr.P.C. in which she denied about kidnapping by this petitioner and she stated that she left the house according to her sweet will. Further submission is that in the medical examination, the age of the victim was assessed between 18 to 19 years.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Mahila P.S. Case No. 02 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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