

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67639 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- THAWE District- Gopalganj

Rupesh Yadav @ Rupesh Kumar Yadav Son of Dhanraj Yadav Resident of
Village- Shivsthan, P.S. Thawe, District- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Upendra Yadav, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 19-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 366A/34 of the Indian Penal Code registered
in connection with Thawe P.S. Case No. 123 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as evident from the statement of the so-called victim
recorded under Section 164 of the Cr.P.C. wherein she has denied the
fact of her kidnapping and she has stated that she got married with
the petitioner as evident from perusal of the order of learned 1st
Additional Sessions Judge, Gopalganj in ABP No. 1532 of 2018. It is
further stated that according to the radiological examination, her age
is said to be 20-21 years. It is further stated that learned Chief
Judicial Magistrate, Gopalganj by order dated 27.11.2018, has
directed the victim girl to be released from remand home.

4. Learned APP opposes the anticipatory bail petition.

5. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 123 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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