

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84435 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- JALE District- Darbhanga

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Dilip Kumar Yadav, Son of Shyam Chandra Yadav, Resident of Village -
Bharwara, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Jalley P.S. Case No.67 of 2019 registered for
the offences punishable under Sections 363 and 366(A)/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. Learned counsel submits that the allegation of kidnapping
is totally false and fabricated.

Learned APP for the State is present and has opposed
the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case
wherein in the impugned order the learned Additional Sessions



Judge, VIth, Darbhanga has recorded that as per Bihar School Examination Board certificate the age of the victim girl is only 15 years, her date of birth being 22.01.2004 and the allegation against the petitioner is that he had kidnapped the victim girl with an intention to marry, even though the victim girl has stated in her statement under Section 164 Cr.P.C. that she had gone on her own with the petitioner and no force was applied to her, considering that she was a minor as per certificate, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

In the nature of the allegations, however, if the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the court below shall consider all the materials independently including the certificate of the victim girl and take an independent view of the matter without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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