

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10485 of 2020

Arising Out of PS. Case No.-129 Year-2012 Thana- GAMAHAIRIYA District- Madhepura

1. BINOD YADAV Son of Satya Narayan Yadav Resident of Village- Gaurabgarh, Ward No.06, P.S.- Supaul, Distt- Supaul.
2. Arvind Yadav S/o Gobardhan Yadav Resident of Village- Gaurabgarh, Ward No.05. P.S.- Supaul, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-06-2020 Learned Counsel for the petitioners informs that the petitioner no. 2, Arvind Yadav, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 2 is concerned, has become infructuous.

Accordingly, this application, so far as petitioner no. 2, is concerned, is dismissed as having become infructuous.

This application will now survive only for petitioner no. 1.

Heard learned Counsel for the petitioner no. 1 and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises



out of Gamharia Police Station Case No. 129 of 2012, disclosing offences under Sections 366-A/34 of the Indian Penal Code

The prosecution case, as per the First Information Report, is that at about 9 AM, on 13.09.2012, the daughter of the informant, aged about 14 years, was going to market from her house to purchase some household items, the accused persons, including the petitioner, kidnapped her on a motorcycle.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the victim girl, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, has not stated anything against the petitioner. He, referring to Annexure 3, submits that both the parties have entered into compromise and a joint compromise petition has been filed in the Court of learned District Judge, Madhepura.

I have perused the material on record. From the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, it appears that the petitioner along with other co-accused persons forcibly kidnapped the victim girl on a motorcycle and took her to some other place and



from there, one Lalo Yadav took the victim girl to Ropar and kept her in a room for three months and used to commit rape upon her. From perusal of the impugned order, it appears that the Medical Board has assessed the age of victim girl between 14 and 16 years.

Having regard to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973 and that the age of the victim girl has been found to be between 14 and 16 years by the Medical Board, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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