

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1324 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- BARHARA KOTHI District- Purnia

UDAY YADAV @ UDAY KUMAR YADAV, aged about 23 years, Gender- Male, Son of Kailash Yadav, Resident of Village - Parmanandpur, Ward No.9, P.S.- Bihariganj, Dist.- Madhepura.

... .. Appellant

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Appellant	:	Mr. Om Prakash Prasad, Advocate.
For the O.P.	:	Mrs. Usha Kumari No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellant is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the parties.

The matter relates to grant of bail to the appellant in connection with Barhara P.S. Case No. 24/2020 registered for



the offences under Sections 363, 365 of the I.P.C. Later on, Sections 364(A) of the IPC and 3(2)(v) of SC/ST Act were also added.

The prosecution case, in short, is that on 20.01.2020 the informant's sister, namely, Priya Bharati @ Baby, being a Teacher, went to her School. A hulla has been raised in the village that some miscreants have kidnapped a girl and taken away her on a white coloured four wheeler. In the meantime, one call has also come from the School that Priya Kumari has not reached the School. In course of search, the informant came to know from the villager Raja Kumar Yadav that two persons forcibly took away a woman from one white coloured car. The informant followed the miscreants but his sister could not be traced out. It is further alleged that the marriage of his sister was performed in the year 2003 with one Pramod Sahi and has one child aged about 15 years. Due to some dispute, relation has broken in between them and her husband has performed second marriage. His sister has not performed second marriage till now. The informant claimed that Pramod Sahi with the help of 3-4 persons, might have kidnapped his sister.

It has been submitted on behalf of the appellant that the appellant is in custody since 08.02.2020 and has got no



criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. The appellant is not named in the F.I.R. His name has transpired in the present case in course of investigation. The victim has been examined and her statement under Section 164 Cr. P.C. has been recorded. She has not named the appellant.

On behalf of the State, it is submitted that the appellant is not named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16.05.2020, passed by learned A.D.J.-V-cum-Special Judge, SC/ST Act, Purnea, in B.P. No.227 of 2020, arising out of Barhara P.S. Case No. 24/2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned A.D.J.-V-cum-Special Judge, SC/ST Act, Purnea, in B.P. No.227 of 2020, arising out of Barhara P.S. Case No. 24/2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection



with the aforesaid case.

(Sudhir Singh, J)

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