

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19977 of 2020

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

=====

Dilip Kumar Yadav aged about 24 years, Male, Son of Shyam Chandra Yadav
Resident of Village - Bharwara, P.S. - Singhwara, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv
For the Opposite Party/s : Mr. J.K. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-08-2020

Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately after the lockdown ends, and in any event within one month thereof.

2. The petitioner is in custody since 17.03.2020 in connection with Jale P.S. Case No. 67 of 2019 for the alleged offences under Section 363, 366(A) and 34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on the accusation of kidnapping the informant's daughter, said to be 15 years of age. It is submitted that there is inordinate delay in lodging the FIR on 14.05.2019 for the alleged occurrence of 24.04.2019. As a matter of fact, the so-called victim is a major, as evident from the medical report assessing her age between 18 and 20 years (Annexure-4). The parties have solemnized marriage and the informant's daughter is voluntarily



residing with the petitioner. In her statement recorded under Section 164 Cr. P. C., she has categorically stated that she was not kidnapped, rather she left her parental home on her own volition and married the petitioner with whom she is presently residing, as transpires from the petition filed by her on 08.01.2020 before the learned ACJM Ist, Darbhanga. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 17.03.2020, let the petitioner above named 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, Darbhanga in connection with Jale P.S. Case No. 67 of 2019 subject to the following further conditions, if he is not otherwise required in any other case –

(i) That one of the bailors shall be the informant's daughter, the so-called victim.

(ii) That the learned Court below shall verify that the informant's daughter has filed a petition on 08.01.2020 stating that she has married the petitioner and is residing with him, as claimed in her statement recorded under Section 164 CrPC; conversely, the bail bond shall stand automatically cancelled.

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

(iv) That the petitioner shall co-operate 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.

(v) 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.

6. Office shall ensure that all defects have been removed and compliance with the notices of this Court has been made, within the stipulated time as provided in para 1 hereinabove.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

