

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22201 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- HARLAKHI District- Madhubani

AJAY YADAV Son of Shri Ramnath Yadav Resident of Village - Dighiya
Piprauni, P.S.- Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Adv.
For the Opposite Party/s	:	Mr. Shakir Ahmad, APP
For the informant	:	Mr. Shailendra Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-11-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366A and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that the four named accused persons including the petitioner herein kidnapped the minor daughter of the informant. The informant was convinced that she may be killed.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein she has described herself to be aged 20 years. As per the contents of



the statement under section 164 Cr.P.C. she categorically states that it is against the wishes of her parents that she went to the petitioner and married him. She has not been kidnapped. In fact it was she who took the petitioner with her. She further states that she wants to go with the petitioner. The petitioner is in custody since 7.9.2020 and has no criminal antecedent.

Heard learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is a direct allegation against him of having kidnapped the minor daughter of the informant. It is further submitted that even from the contents of the statement under section 164 Cr.P.C. the fact that the daughter of the informant went with the petitioner is clear. This being the case under the POCSO Act, it is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the contents of the statement of the victim under 164 Cr.P.C. together, the Court directs the petitioner to be enlarged on bail in connection with Harlakhi P.S. Case no. 107 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate II, Benipatti.

Bibhash

(Partha Sarthy, J)

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