

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23847 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BARHARA KOTHI District- Purnia

MITHILESH KUMAR @ MITHILESH YADAV @ MITHILESH KUMAR
SON OF BIPIN YADAV RESIDENT OF VILLAGE- GOURIPUR, P.S.-
BARHARA (RAGHUWANSH NAGAR O.P.), DISTRICT-PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

5 30-06-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 363,366 and 34 of the Indian
Penal Code.

Informant has alleged that on 27.01.2020 except his
daughter, he along with his family members had gone to attend
a function in the neighbourhood and when they returned, they
did not find their daughter in the house. Thereafter, they made
hectic search, but she could not be traced out. Informant
suspected that his co-villagers, Ranjit Kumar, Dilkhush Kumar,
Mithilesh Yadav (petitioner) and Manju Devi had kidnapped her

daughter. When the informant and his family members pressurized Ranjit Kumar, he confessed that one Vikash Kumar Yadav has forcibly kidnapped their daughter by a four wheeler.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to family feud. It is further submitted that victim had eloped with Vikash Kumar and when the matter came in newspaper, Rajkumar, brother-in-law of Vikash Kumar, and his brothers Abhimanu and Om Prakash left her in Singhmeshar Mandi from where police took her in their custody and informed her parents. Victim was examined by medical board and her age was found to be between 16-17 years and no evidence of rape was found. The incident is of 27.01.2020, however, FIR was instituted on 29.01.2020. Even in the statement recorded of victim under Section 164 of Cr.P.C., allegation is against accused Vikash Yadav of committing rape with her. Petitioner has no criminal antecedent and he is in custody since 10.07.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the

case is pending in connection with Barhara (Raghuwansh Nagar O.P.) P.S. Case No. 31 of 2020, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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