

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27361 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- SAHARSA SADAR District- Saharsa

RAMESH YADAV Son of Late Panchi Yadav Resident of Village - Dudhaila,
P.S.- sonbarsa kachahari, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-11-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, the twelve year old daughter of the informant was kidnapped by the accused persons including the petitioner herein. Although the informant was assured that his daughter would return home, she was not to be found and as such the F.I.R.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the father of Ranbir Yadav. The daughter of he informant returned and her statement was recorded under section 164 Cr.P.C. wherein no specific



allegation has been made against this petitioner. It is further submitted that at a subsequent stage the daughter of the informant made a statement before the learned Court below to the effect that she does not want to go with her parents. The petitioner is in custody since 21.1.2021 and has no criminal antecedent. It is not a case of kidnapping but a case of elopement.

The application for bail is opposed by learned learned A.P.P. for the State who submits that the petitioner is a named accused in the F.I.R. who participated in the kidnapping of the twelve year old minor daughter of the informant. The minor victim supports the allegations in her statement under section 164 Cr.P.C. It is submitted that during pendency of investigation in the case the minor daughter of the informant was once again kidnapped and as per the statement of the informant recorded in paragraph no. 196 of the case diary the petitioner herein also participated in the occurrence.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the allegations against the petitioner in the F.I.R. as also material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

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(Partha Sarthy, J)

