

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27869 of 2021

Arising Out of PS. Case No.-111 Year-2018 Thana- CHENARI District- Rohtas

SUNIL YADAVA @ FEKAN YADAV, Son of Rajendra Yadav @ Ambika Yadav, Resident of Village - Kusuri, P.S.- Darigaon, Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 As prayed, learned counsel for the petitioner is permitted to make correction in paragraph '1' and the index of the petition.

Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chenari P.S. Case No. 111 of 2018 registered for the offence punishable under Section 366A/34 of the Indian Penal Code. He is in custody since 14.10.2020. The petitioner has no criminal antecedent.

As per the prosecution story, the informant's sister



aged about 16 years is alleged to have been enticed away by this petitioner and she refused to come back on instigation of the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that a panchayati was held in this regard in the village but the victim refused to come back to the house of the informant and the victim girl is major as is appearing from the Aadhar Card and the medical examination report enclosed with this petition as Annexure '3' and '4'.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the materials available on the record supporting the submission of learned counsel for the petitioner that the age of the victim girl is more than 18 years, the copy of the Aadhar Card (Annexure '3') and the medical examination report (Annexure '4') both are supporting his contentions and further that in the F.I.R. itself it is stated that this issue was raised in the panchayat of the village but the sister of the informant refused to come back to the house of the informant, the petitioner has got clean antecedent, further considering that the petitioner has remained in custody for over one year and the



investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Chenari P.S. Case No. 111 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

