

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14964 of 2020

Arising Out of PS. Case No.-319 Year-2019 Thana- RAJAON District- Banka

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Rajesh Yadav, aged about 35 years, male, S/o Ram Gulam Yadav, R/o village-
Bhatauriya, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 07-12-2021 Heard Mr. Syed Maslehuddin Ashraf, the learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Rajoun P.S. Case No. 319 of 2019,
dated 23.07.2019, instituted for the offences under Sections
366, 366(A) and 120(B)/34 of the Indian Penal Code.

The mother of the victim girl has alleged that her



daughter went missing from the house in the night. Later, her daughter told her on telephone that she was abducted by one Lalu Yadav along with the petitioner and others.

It has been submitted on behalf of the petitioners that the victim has given her statement under Section 164 Cr.P.C. in which she has narrated a different story. She has stated that she was kidnapped from her house by force and when her mother wanted to intercede, she was kept at bay on gunpoint. If this statement is to be believed, then the story narrated in the F.I.R. is incorrect.

Be that as it may, the learned counsel for the petitioner has submitted that from the statement made in the F.I.R. as also in the 164 Cr.P.C. statement of the victim, Lalu Yadav only could be blamed for having abducted the victim for the purposes of marriage. The reason for false implication of the petitioner is that he happens to be the brother-in-law of aforesaid Lalu Yadav.

However, looking at the nature of accusation against the petitioner which finds mention in the F.I.R. as also in the 164 Cr.P.C. statement, viz., his participating in



the conspiracy and the act itself, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account all the above-noted facts, shall pass order in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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