

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31756 of 2021

Arising Out of PS. Case No.-427 Year-2020 Thana- RAMNAGAR District- West Champaran

Neeraj Kumar Yadav Aged About 22 Years Son Of Sunil Yadav Resident Of
Village Chanpatiya Ward No. 2, Police Station Chanpatiya District West
Champaran ... Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Ravi Kumar, Advocate

For the Opposite Party : Mr. VK Singh I, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-10-2021 Heard the parties.

The petitioner prays for grant of regular bail in a case registered under sections 363, 366A/34 of the Indian Penal Code.

As per the prosecution case, petitioner and other accused persons are alleged to have kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR. He submits that during course of investigation, section 164 Cr.P.C. statement of the victim was recorded in which she has stated that she went to Chanpatia out of her own sweet will and she has made no allegation against the petitioner of any commission of rape. Petitioner claims clean antecedent and he is in custody since 1.1.2021.

Learned counsel for the State and the informant opposing the prayer for bail submit that the section 164 Cr.P.C. statement of a minor girl has no value in the eye of law.



Considering the facts and circumstances of the case, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st Bagha, West Champaran in Ramnagar Police Station Case No. 427 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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