

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3633 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- CHHATAPUR District- Supaul

RAHUL YADAV @ NIPPU YADAV @ RAHUL RAJ Son of Sri Suresh
Prasad Yadav @ Suresh Yadav R/v- Ratanshar, P.S.- Chhatapur, Distt.-
Supaul. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate.
For the Informant : Mr. Chandra Mohan Jha, Advocate.
For the State : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-04-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 366A of the Indian Penal
Code pending in the Court of learned A.C.J.M-VI, Supaul.

The allegation against the petitioner is that he in
association of other co-accused has abducted the maternal grand
daughter (Natni) of the informant to solemnize marriage.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. As a
matter of fact, the victim girl was in courtship with the
petitioner and with consent both of them fled away to solemnize
marriage. The marriage was solemnized on 21.02.2020 and in
this regard the victim girl has given her affidavit before the



Notary Public, Birpur, Nepal stating therein that there was love affairs between them. The victim girl has solemnized marriage with the petitioner out of her sweet will and the photographs have also been annexed with this application. The victim girl in her statement recorded under Section 161 Cr.P.C. has clearly stated that she was in courtship with the petitioner for a long period but on pressure of her parents she has given contradictory statement recorded under Section 164 Cr.P.C. The petitioner has no criminal antecedent and has been languishing in custody since 12.03.2020.

Learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the petitioner has abducted the victim girl forcefully and fled away to Nepal where he solemnized marriage with her. He also made physical relationship with her against her will. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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