

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41059 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- KISHUNPUR District- Supaul

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1. Kari Yadav Son Of Basudev Yadav Resident Of Village - Koriyapatti, Devipur, Police Station - Raghapur, District - Supaul
 2. Babunand Yadav Son Of Basudev Yadav Resident Of Village - Koriyapatti, Devipur, Police Station - Raghapur, District - Supaul
 3. Brahmdev Yadav Son Of Basudev Yadav Resident Of Village - Koriyapatti, Devipur, Police Station - Raghapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the Informant	:	Mr. Jitendra Singh, Advocate
For the Opposite Party/s	:	Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-11-2021 Heard Shri Arun, learned counsel for the petitioner,

Shri Jitendra Singh, learned counsel for the informant and Smt.

Shaheen Begum, learned A.P.P. for the State.

The petitioners are seeking anticipatory bail in connection with Kishanpur P.S. Case No. 69 of 2020 instituted for the offences under Sections 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioners, at the outset, submits that the petitioners are persons with clean antecedent. Further, the he submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the same is based



on written report dated 27.03.2020 of the informant against the petitioners and five unknown and it is alleged therein that on 25.03.2020 while he along with his minor *bhanji* (niece) was coming to his native village, on the way eight persons on four motorcycles were chasing them and they came to his house but went away. Further, it is alleged that due to populated village they did not abduct his niece. Further, on the next morning he learnt that they have abducted his minor niece and out of eight accused persons, the informant identified the petitioners only.

Learned counsel for the petitioner further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. and from perusal of the same it would manifest that petitioner no. 1 is the tractor driver of the father of the victim and the victim came in touch with Kari Yadav and fell in love. Further, she had deposed that on 25.03.2020 she fled away with Kari Yadav and went to his house from where he took her to some other place. Further, that she stayed with Kari Yadav for 5-6 days in a rented room and Kari Yadav made physical relation with the victim more than once. It is further submitted that she also married Kari Yadav when Kari Yadav was married from before. Thereafter she states that one unknown person brought her to Supaul from where she came to the Kishanpur Police



Station where she stayed in the night.

Learned counsel for the petitioner submits that from her statement under 164 Cr.P.C. it is clear that she was in love with Kari Yadav and she, on her own volition, fled away with him and established physical relation. He further submits that from perusal of the Annexure-3, the Medical Board has assessed the age of the victim in between 17-19 years.

Learned counsel for the informant submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that it has been clearly and specifically stated that the victim is a minor. Further, in her statement under Section 164 of the Cr.P.C. also the victim on her own volition disclosed her age to be 14 years as such for the present relying only on medical report that the victim was a major for the purposes of bail would not be prudent when the victim herself on her own volition before the Court in her statement under 164 Cr.P.C. has stated that she is a minor and that she is in school.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the facts of the case in its totality, the Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. Since the victim in her statement under



Section 164 Cr.P.C. has not specifically alleged anything against the petitioner nos. 2 and 3, let the petitioner nos. 2 and 3, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Kishanpur P.S. Case No. 69 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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