

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5393 of 2022

Arising Out of PS. Case No.-702 Year-2020 Thana- MADHEPURA District- Madhepura

UMESH YADAV Son of Bhakti Yadav Resident of Village - Maheshuwa
Tapara, Tola Ward No.9, P.s.- Madhepura, (Bharrahi O.P.), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Madhepura (Bharrahi OP) P.S. Case No. 702 of 2020 registered
for the offence under Sections 366(A), 341, 323, 325, 307, 504,
506, 379 and 34 of the IPC and Section 27 of the Arms Act.

The petitioner is named in the FIR and is in
custody since 12.08.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit
intercourse.

Learned counsel appearing on behalf of the



petitioner submitted that allegation as regard to kidnapping is completely negated through the statement of victim recorded under Section 164 of the Cr.P.C. as she stated thereof to solemnize her marriage, with the son of the petitioner out of her own sweet will. It has further been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. It has further been submitted that the petitioner is the father of the main accused, namely, Rajo Yadav.

Learned APP while opposing the prayer for bail, fairly conceded the fact that the allegation of kidnapping has negated by the victim in her statement recorded under Section 164 of Cr.P.C.

Considering the facts and circumstances as mentioned above, as victim negated the allegation of kidnapping for sexual assault through her statement recorded under Section 164 of Cr.P.C. and petitioner is father of the main accused, namely, Rajo Yadav, let the petitioner, above named, is directed to be released on bail in connection with Madhepura (Bharrahi OP) P.S. Case No. 702 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Madhepura



subject to the following conditions:

“(i) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be brother-in-law of the petitioner, namely, Dhirendra Kumar Yadav, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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