

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9224 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- KOPA District- Saran

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Kavi Rai @ Kavi Yadav Son of Gandhi Yadav Resident of Village - Mushehri,
P.s.- Kopa, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2022 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 Kopa P.S.
Case No. 174 of 2021 registered for the offence under Sections
363, 366, 366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.10.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant aged about 17 years, for the
purpose of illicit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that the statement of victim recorded under Section 164 of the Cr.P.C. was not suggesting sexual assault against this petitioner. It is submitted that the implication is false due to neighborhood dispute and differences as, admittedly, the petitioner is uncle of the victim. It is further submitted that appearance of victim after two days of alleged occurrence, *suo motu* makes the entire allegation doubtful. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of sexual assault is not available against this petitioner through statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kopa P.S. Case No. 174 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist,



Saran at Chapra/concerned court, subject to the conditions as
laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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