

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30460 of 2021

Arising Out of PS. Case No.-798 Year-2020 Thana- MUFFASIL District- West Champaran

AMARJEET YADAV Son of Sri Amerika Yadav Resident of Village -
Mehnaur Kala, P.S. - Matiariya, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad
For the informant	:	Mr. Bimlesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-03-2022 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bettiah Mufassil Police Station Case No. 798 of 2020,
registered for the offence punishable under Section 366-A of the
Indian Penal Code and Section 8 of the Prevention of Children
from Sexual Offences Act, 2012.

The prosecution case, as per the First Information
Report, is that the petitioner, allegedly abducted the minor
daughter of the informant for the purpose of marriage.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and there was



love affair between the petitioner and the daughter of the informant. He next submits that the victim girl was recovered by the police and her statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded, in which she has categorically stated that she has performed marriage with the petitioner on her own free will. He further submits that as per the medical examination of the victim girl, no recent sign of sexual intercourse was found and her age was assessed by the doctor between 17 and 18 years and she was mature enough to take her own decision. He further submits that the petitioner is in custody since 29.12.2020.

On the other hand, learned Counsel for the informant, while opposing the prayer for bail, submits that the victim girl was minor as per the school certificate of the victim girl and even if the medical report is taken into consideration, the age of the victim girl was between 17 and 18 years and was still minor. He further submits that out of six prosecution witnesses, four have been examined during the trial and the victim girl is yet to be examined by the Trial Court.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl, recorded under Section 164 of the Code of



Criminal Procedure, 1973 and the fact that the age of the victim girl was assessed between 17 and 18 years and the petitioner is in custody since 29.12.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge -cum- Special Judge, West Champaran, at Bettiah, in connection with Bettiah Mufassil Police Station Case No. 798 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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