

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29726 of 2021

Arising Out of PS. Case No.-270 Year-2017 Thana- BAKHARI District- Begusarai

PANKAJ YADAV @ PANKAJ KUMAR YADAV, Son of Paltan Yadav
Resident of Village- Semraha, P.S.- Kuseshwar Asthan, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 12-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Bakhri P.S. Case No. 270 of 2017, for the offence punishable
under Section 366(A), 34 of the Indian Penal Code.

The allegation is of kidnapping of minor daughter of
the informant by the petitioner and other named accused in the
F.I.R.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that petitioner and
the victim are engaged in profession of dance and drama and for



professional engagement, the minor girl of the informant had accompanied with the petitioner willingly. From perusal of statement recorded under Section 164 Cr.P.C. it appears that no complaint of any assault either physically or sexually has been made by the victim girl. The victim girl refused to appear before the Medical Board for the internal examination, however, the concerned Magistrate has assessed the age of victim to be 13 years. The petitioner is in custody 09.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the allegation made in the F.I.R. as well as having perused the statement of victim under Section 164 of the Cr.P.C. it appears that the victim girl has not made any allegation that petitioner has assaulted her physically or sexually and there is no allegation of tampering the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 270 of 2017 , subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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