

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22505 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- GOH District- Aurangabad

RAJESH KUMAR @ LALU YADAV @ ROCKY RAJ S/o Shiv Kumar
Singh (Yadav) R/o village- Ghejana, P.O.- Barpa, P.S.- Goh, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem
For the informant	:	Mr. Rahul Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Goh P.S Case No. 247
of 2021 registered for the offence punishable under Section
366A of the Indian Penal Code.

Allegedly the informant's daughter aged about 17 years
was kidnapped by this petitioner and as per the informant the
petitioner had already remained involved in such type of
occurrence and he had committed similar incident with another
girl.

The main submissions advanced by learned counsel
Sri Bachan Jee Ojha appearing for the petitioner are that the so



called victim has been recovered and she has recorded her statement before the Judicial Magistrate in which she has not supported the allegation in the FIR and on the basis of radiological report the victim's age has been assessed between 19 and 20 years and the petitioner has been languishing in jail since 25.11.2021, against him there is a criminal antecedent of one case.

Learned APP Sri.Shahabuddin Azeem @ S. Azeem appearing for the State and learned counsel Sri. Rahul Kumar Singh appearing for the informant have vehemently opposed the prayer for bail and submits that the petitioner had already remained involved in similar type of incidents and he is habitual in kidnapping the minor girls.

Having regard to the facts and circumstances of the case, mainly taking into account the victim's statement recorded before the Judicial Magistrate in which she did not support the allegation of the FIR and the facts revealed by her completely go against the allegation of the prosecution and also taking into account the petitioner's custody period, in the opinion of this court the petitioner deserves to a lenient approach of this Court.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Daudnagar, Aurangabad in Goh P.S Case No. 247 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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