

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47481 of 2021**

Arising Out of PS. Case No.-80 Year-2021 Thana- KASIMBAZAR District- Munger

Chandan Kumar Yadav @ Tipu Yadav @ Karan Kumar, aged about 26 years,
male, S/O Late Mahendra Yadav R/O Mohalla-South Shastri Nagar Road
No.3 Sandalpur, P.S-Kasim Bazar, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 25-02-2022 The matter has been listed today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Kasim Bazar PS Case No. 80
of 2021 instituted for the offence under Section 366 (A) of the
Indian Penal Code.

Since 05.06.2021, the petitioner is stated to be in custody.
The First Information Report has been lodged when the



informant found his daughter missing from the house early in the morning on 19-03-2020, alleging that the petitioner has kidnapped her with the intention of solemnizing marriage and that she is still a minor.

Petitioner's counsel submits that the victim's age, as per her deposition (Annexure-2), is 17 years. Her statement under Section 164 Cr.PC belies the prosecution case regarding kidnapping as she has stated that she had gone on her own volition and has solemnized marriage with the petitioner. The parties have come to terms in view of such developments and filed a compromise petition which is on the records before the learned Trial Court. Copy of the same is annexed as Annexure-3 to the bail petition.

The learned APP representing the State has opposed the prayer for bail. It is submitted that the victim is a minor and having fact that she is 17 years could not make much difference and as per Medical Board, she was found to be between 15 to 16 years.

Considering the rival submissions, this Court, having regard to the deposition of the victim denying the allegation of kidnapping and the fact that parties have come to terms, in the background of the victim being 17 years old and the petitioner



having no criminal antecedents, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 learned Additional Sessions Judge-VI-cum-Exclusive Special Court (POCSO Act), Munger, in connection with Kasim Bazar PS Case No. 80 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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