

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52943 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- RANIGANJ District- Araria

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Amit Yadav @ Amit Anand Son Of - Gajendra Yadav Resident Of - Simraha,
Ward No. -35, P.S. - Saharsa, District - Saharsa, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Ms. Preety Kunwar- Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-03-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Raniganj
P. S. Case No.41 of 2021, instituted for the offences under
Sections 363, 366, 376/ 34 of the Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 11.06.2021, charge-sheet
has been submitted in this case and has antecedent of two cases.

The learned senior counsel for the petitioner further
submits that the informant (Pramila Devi) alleges that on
10.02.2021 while she along with her husband and daughter were
coming back after her daughter had appeared in her intermediate
examination and when they reached near Rajokhar market,



when they were interceded by Manjesh Ram and Amit Yadav (petitioner) along with eight unknown persons and forcefully abducted her daughter and when the informant objected then the accused persons abused them and even assaulted them. It is further alleged that the accused persons had threatened to keep the victim married with the brother-in-law of Manjesh Ram. Further that Manjesh Ram, earlier on two occasions had come and stayed in the house of the informant.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are general and omnibus in nature with regard to abducting the daughter of the informant, as the informant alleges that two named accused persons along with eight unknown abducted her daughter. The learned counsel further submits that during the course of investigation, when the girl was recovered, her statement was recorded under Section 164 of the Cr.P.C. wherein she has stated that Manjesh Ram after abducting her, kept her in the house of her maternal grandmother and even established physical relation.

The learned senior counsel thus submits that the main thrust of allegation is against Manjesh Ram of committing sexual assault. As far as this petitioner is concerned, he along



with eight other unknown accused persons has been alleged to have helped Manjesh Ram in abducting the victim. It is also submitted that as far as this petitioner is concerned, the victim has not alleged that he in any manner committed any kind of sexual assault or harassment with the victim. It is further submitted that even the medical report of the victim negates the prosecution story, when the victim was medically examined on 13.02.2021 i.e. nearly two days after the occurrence.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 11.06.2021, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned senior counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Araria in connection with Raniganj P. S. Case No.41 of 2021, subject to condition that one of the bailors shall be the father of the petitioner namely, Gajendra Yadav and in the event, if the petitioner is implicated in a case of similar nature and the same comes to the notice of the learned Court below, the learned



Court below shall forthwith cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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