

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53603 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- KEWATI District- Darbhanga

SUMAN KUMAR YADAV @ SUMAN YADAV SON OF JHARILAL
YADAV RESIDENT OF VILLGE- CHATRA, POLICE STATION KEOTI IN
THE DISTRICT OF DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Kumari, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Keoti P.S. Case No. 177 of 2020 instituted for the offences
under Sections 366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.12.2020, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that while he and his family
members were sleeping in the house when at 11:00 P.M. on
22.11.2020 the petitioner along with named accused persons
entered the house and kidnapped his minor sister and further



threatened to dire consequences if the occurrence is disclosed, thereafter the informant went to the house of petitioner and the mother of the petitioner said that she is not aware where they have gone but will return after 2-3 days. It is further alleged that the petitioner may kill the victim after raping her and the petitioner called the family member of the informant from his mobile and threatened not to institute a case.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, though in the FIR it is alleged that the victim is a minor but no document in support of the same has been produced by the informant or the prosecution to establish her minority. It is further submitted that the victim has returned and was medically examined and the Doctors have assessed her age in between 19 to 20 years which amply demonstrates that she is a major. It is further submitted that petitioner and the victim are neighbour and they were in love, further that the victim had earlier also eloped with the petitioner and later came back to her home. Learned counsel further submits that the parents of the victim were aware of their relationship, as such, the father of the victim wanted the petitioner to change his religion if he intended to marry the victim. It is further submitted that the victim on her own volition



came back and under parental pressure supported the prosecution case in her statement under Section 164 Cr.P.C. and in her statement she has not alleged that the petitioner in any manner sexually abused her.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Keoti P.S. Case No. 177 of 2020.

(Satyavrat Verma, J)

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