

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50231 of 2022**

Arising Out of PS. Case No.-43 Year-2022 Thana- ALINAGAR District- Darbhanga

RAVI PRAKASH YADAV @ RAVI PRAKASH KUMAR Son of Binod
Yadav R/V- Masvashi, P.S- Ghanshyampur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Ojha, Advocate
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP
For the informant	:	Mr. Girish Chandra Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as the informant in Virtual Court
Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 366(A), 363
and 34 of the Indian Penal Code, in connection with Ali Nagar
P.S. Case No. 43 of 2022.

As per the prosecution story, it has been alleged
that the petitioner who was visiting the house of his sister, asked
the daughter of the informant to accompany him and later tried
to abduct her. On raising, 'hulla', he assured that he will tie
nuptial knot in 'Kali Mandir', Darbhanga.



The matter was reported to the father of the petitioner whereafter, it is alleged that his father came along with 40-50 persons and threatened not to solemnize marriage otherwise the petitioner will be burn to death. The informant alleged physical relationship of the daughter with the petitioner and accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that how the matter has been exaggerated and only because the father of the petitioner threatened him not to solemnize the marriage with the girl with whom he wanted to tie nuptial knot, the informant's mother lodged this FIR.

Learned counsel further submits that in the last line of the FIR, she has alleged physical relationship, a report of the Darbhanga Medical College Hospital, Darbhanga dated 23.5.2022 negates the said allegation inasmuch as it is recorded that there is no possible evidence about the sexual intercourse with the girl in recent past. The age has also been opined between 18-19 years.

Learned counsel submits that long incarceration of the petitioner in jail who is a young boy of 19 years is dooming his future career. His last submission is that the petitioner is in



custody since 14.5.2022 (as stated in para-14 of the bail application).

Learned counsel for the informant submits that contrary to the medical report, the charge-sheet stands submitted amongst other under POCSO Act.

Taking into account the aforesaid facts that the medical report of Darbhanga Medical College Hospital, Darbhanga, a government hospital has opined the age of the victim girl to be between 18-19 years of age clearly pointing her as major coupled with the facts that it has not found any sign of sexual assault in recent past, the petitioner is in custody since 14.5.2022, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, Benipur, Dharbhanga, in connection with Alipur P.S. Case No. 43 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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