

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66187 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- PIPRA District- East Champaran

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KANHAIYA KUMAR YADAV Son of Yadolal Yadav Resident of Village -
Bijdhari Nijamat, P.S.- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.09.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that her minor daughter was kidnapped by the petitioner with an intention to marry and the petitioner in kidnapping was helped by his father and mother.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the victim herself eloped with the petitioner as they were in love. It is further submitted that the doctors have assessed the victim in between 18-19



years and the victim in her statement recorded under section 164 of the Cr.P.C. has not even remotely supported the prosecution case rather has stated that she has married the petitioner. Learned counsel further submits that victim as per her provisional matriculation certificate was a minor as her date of birth was recorded as 01.01.2004, thus it is submitted that even if the victim had not attained the age of majority but then definitely she has attained the age of discretion and the fact that she has not supported the prosecution case thus the petitioner deserves to be enlarged on bail.

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

Considering the fact that the petitioner is in custody since 01.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the victim has not supported the prosecution case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pipra P.S. Case No. 214 of 2021.

(Satyavrat Verma, J)

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