

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70232 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- LAUKAHI District- Madhubani

Lal Deo Yadav, Son of Late Dukha Yadav, Resident of Village- Kurivan, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandep Yadav, Advocate

Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Ms. Indu Kumari Shrivastva, A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Laukahi P.S. Case No. 223 of 2021 registered for the alleged offences under Sections 363, 366(A) and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons kidnapped the minor daughter of the informant with intention to marry her with the petitioner.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. For an occurrence, which took place on 12.09.2021, the F.I.R. has been lodged on 24.09.2021 and there is no satisfactory explanation for this delay in lodging the F.I.R. The statement of the victim girl was recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. and she has not supported the prosecution allegation. Rather she has stated about her love affair with the petitioner and also stated her age to be 20 years. Learned Judicial Magistrate assessed the age of the victim girl to be 18 years. However, the medical board has opined that the age of the victim girl was 16 years. No medical evidence of sexual assault was found at the time of examination. A compromise has also taken place between the parties. Charge sheet has been submitted in this case and the petitioner is in custody since 26.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the victim girl is a minor as it is apparent from the medical report and also by the age assessed by the learned Judicial Magistrate. Though, the victim girl has not made any allegation against the petitioner for any coercion or any inducement in her statement recorded under Section 161 Cr.P.C. or Section 164 Cr.P.C., yet the petitioner is of matured



age of 60 years and was expected to know the consequences of his act.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and notwithstanding the fact that the victim has absolved the petitioner of any wrong doing, still considering the age of the petitioner along with the mental faculty of the minor victim girl, I do not find it to be a fit case for grant of bail at this stage and hence, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same at the earliest as per mandate of the POCSO Act preferably by conducting trial on day to day basis.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within the period of six months.

(Arun Kumar Jha, J)

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