

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2449 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

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FEKU YADAV @ RUPESH YADAV Son of Sant Yadav Resident of
Ratanmala, Ahiranitola, Ward No. 31, P.S.- Bagaha, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363, 370
and 34 of the Indian Penal Code.

The Informant alleges that on 26.04.2021 at 11:00
A.M. his minor daughter had gone to withdraw money from a
branch at Bank of India but she did not return and thereafter a
search was made when the informant came to know that 6
accused persons including the petitioner have kidnapped the
victim with a view to sell her.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case in which final form came
to be submitted as it relates to the same occurrence. Learned



counsel next submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner and the victim were in love, it is next submitted that the age of the victim is 18 years and 7 months and she has also married the petitioner and from the wedlock they also have a child. It is further submitted that even the Doctors have assessed her age in between 17-18 years and she has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. The learned counsel next submits that he had filed his anticipatory bail application before the learned Trial Court prior to 17.08.2021 but his anticipatory bail came to be rejected by order dated 17.08.2021 and thereafter on 22.10.2021 process under Section 82 of the Cr.P.C. was issued when he was availing his remedies available in law.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

Learned counsel for the informant submits that already process under Section 82 of the Cr.P.C. has been issued against the petitioner but is not able to meet the submission of the learned counsel for the petitioner that the said process came to be issued when petitioner was availing his remedies available



in law.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bagaha Mahila P.S. Case No. 21 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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