

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21499 of 2023**

Arising Out of PS. Case No.-267 Year-2022 Thana- BENIPATTI District- Madhubani

RAHUL YADAV S/o Sankar Yadav Resident of Village-Soeli, P.S.-Benipatti,
Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 14-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Benipatti P.S. Case No. 267 of 2022 registered for the offence
under Sections 341, 323, 504, 506, 363, 366-A/34 of the Indian
Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 16.10.2022.

5. The allegation against the petitioner is to kidnap the
minor daughter-in-law of the informant alongwith other co-
accused persons/family members for the purpose of illicit
intercourse/marriage.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case out of misconception as petitioner occasionally talk with daughter-in-law of the informant. It is submitted that after recovery of alleged victim her statement was recorded under Section 164 of the Cr.P.C., where she categorically stated that she out of her own will went to the house of *nani*, from where she was recovered by police and completely negated allegation regarding kidnapping and sexual assault as raised through present F.I.R. through her statement recorded under Section 164 of the Cr.P.C. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as victim completely negate the allegation of kidnapping and sexual assault against this petitioner through her statement recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where petitioner is in



custody since 16.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Benipatti P.S. Case No. 267 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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