

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19525 of 2023

Arising Out of PS. Case No.-32 Year-2020 Thana- GRIYAK District- Nalanda

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Jito @ Jitendra Yadav @ Jito Yadav Son of Rudal Yadav Resident of village -
Teus, P.S.- Jai Rampur, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
14.12.2022, in connection with Giriya (Katarisarai) P.S. Case No.
32 of 2020, F.I.R. dated 10.02.2020 registered for the offences
punishable under Sections 363, 366, 366(A) of the Indian Penal
Code.

The prosecution case, in short, is that on 07.02.2020
accused persons including the petitioner are alleged to have
kidnapped the minor daughter of the informant for the purpose
of her marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that from a



bare perusal of the F.I.R. it appears that all the family members of the petitioner including grand-father and grand-mother have been implicated in the present case alleging therein that the petitioner and other family members of the petitioner have abducted the girl for performing the marriage with the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the age of the victim has been assessed before the learned Trial Court is 15 to 16 years and in the medical report the age of the victim has also been assessed as 15 to 16 years and in view of the age of the victim there is no consent in the eye of law and in fact the petitioner was a married person and there is direct and specific allegation against the petitioner.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Giriyak (Katarisarai) P.S. Case No. 32 of 2020 pending in the Court of Additional Chief



Judicial Magistrate-1st, Nalanda, Biharsharif.

Prayer is refused.

(Rajesh Kumar Verma, J)

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