

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23576 of 2023

Arising Out of PS. Case No.-147 Year-2017 Thana- LAKHNAUR District- Madhubani

SANJAY KUMAR YADAV S/O Raj Kumar Yadav Resident of Village-
Phulwan, Police Station-Manigachhi, District-Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Lakhnaur
(R.S. O.P) P.S. Case No. 147 of 2017 registered for the offence
under Sections 363 and 366(A) of the Indian Penal Code.

The niece of the informant is alleged to have been
enticed away by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, is innocent and has falsely been implicated in
this case. He further submits that initially the petitioner has not
been named in the F.I.R. but his name transpired in this case
during course of investigation on the basis of statement of the
victim recorded under Section 164 Cr.P.C. in which she has stated
that the petitioner has established physical relation with her five



months before the date of lodging of F.I.R. He further submits that on bare perusal of the F.I.R., it appears that the allegation levelled against the petitioner is based on suspicion. He further submits that the victim in her statement under Section 164 Cr.P.C. has narrated different story and she is not consistent in her statement which creates doubt over the prosecution version. 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. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Lakhnaur (R.S. O.P) P.S. Case No. 147 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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