

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21517 of 2022

Arising Out of PS. Case No.-200 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

BHAGWAN JI YADAV SON OF LAKHAN YADAV @ LUKHAN YADAV
R/O VILLAGE- KUMRAUL, P.S.- GHANSHYAMPUR, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 16-01-2023 Learned counsel for the petitioner is permitted to
make necessary correction in prayer portion of the petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No. 200 of 2018 registered for the
offences punishable under Sections 365, 366A of the Indian
Penal Code.

As per prosecution case, informant Sulena Devi
awoke but did not find her daughter in the house. The informant
saw that her daughter was sitting on motorcycle and the said



motorcycle was being driven by co-accused Anmol Yadav and her daughter was sitting in between co-accused and present petitioner. It is further alleged that informant with the help of family members went to the house of petitioner and other co-accused but she was abused and father of accused persons also tried to assault her. The informant has apprehension that her daughter might be raped and killed.

Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. He further submits that petitioner and informant's daughter have love affairs and both have solemnized the marriage which is evident from Annexure-2 of the bail petition. Petitioner is in custody since 21.02.2022 and bears no criminal antecedent.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation of kidnapping the informant's daughter and the same is corroborated by the statement of victim recorded under Section 164 of the Cr.P.C. He further submits that victim is minor at the time of occurrence.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with statement of victim recorded under Section 164 of the Cr.P.C. as well as material available on record, I am not inclined to grant bail



to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner may renew prayer of bail after nine months from the date of receipt/production of copy of this order to the court concerned, if there is no substantial progress in the proceeding of trial within the stipulated period.

(Alok Kumar Pandey, J)

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