

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32034 of 2022**

Arising Out of PS. Case No.-69 Year-2020 Thana- KISHUNPUR District- Supaul

=====

KARI YADAV son of Basudev Yadav Resident of Village - Koriyapatti,  
Devipur, Police Station- Raghobpur, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate  
Mr. Parmanand Kumar, Adv  
For the Opposite Party/s : Mr. Satyendra Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      08-02-2023              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks' from today.

Heard Mr. Krishna Prasad Singh, learned senior  
counsel appearing on behalf of the petitioner assisted by Mr.  
Parmanand Kumar and learned Additional Public Prosecutor for  
the State.

The petitioner seeks regular bail, who is in custody in  
connection with **Kishanpur P.S. Case No. 69 of 2020** registered  
for the offences punishable under Sections 366A/34 of the  
Indian Penal Code.

The prosecution case is based on a written report  
alleging therein that on 25.03.2020, the Informant alongwith his



minor *Bhanji* was coming to his native village and in the way eight persons boarded on four motorcycle tried to intercept, however, having seen the public they fled away. Thereafter, in the next morning the Informant came to know that all the accused persons including the petitioner abducted his minor niece for the purpose of marriage.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner had been previously working as a Tractor Driver of the father of the victim and was also living in his house which resulted into love between the victim girl and the petitioner. He further submits that the victim was later on recovered and her statement was recorded under Section 164 of Cr.P.C, wherein, she has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner knowing fully well that he is already married. He next submits that the victim was also medically examined by the Medical Board, wherein, her age has been assessed in between 17 to 19 years. He next submits that the case has been instituted under Section 366A of the Indian Penal Code, however, from the allegation there is no ingredient constituting any case under Section 366A of the IPC against the petitioner neither there is any inducement nor the minor girl has been forced or seduced to



illicit intercourse with another person. He next submits that the petitioner is a man of fair antecedent and is in custody for over a period of one year and now the chargesheet has already been submitted in this case.

On the other hand, learned counsel for the State while opposing the bail application submits that after investigation chargesheet has been submitted under Section 366A/376 of the Indian Penal Code along with Section 4 of the POCSO Act.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C and the medical report suggesting the age of the victim in between 17 to 19 years, as also the fact that prior to the institution of the case, petitioner was not found involved in any other criminal case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **CJM, Supaul**, in connection with **Kishanpur P.S. Case No. 69 of 2020**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

ranjan/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

