

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38634 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- BANMANKHI District- Purnia

Shiv Shankar Yadav @ Bhola Yadav @ Shiv Shankar Bharati S/O Rajesh
Yadav R/O Vill. Pipra, Ward No. 12, Ps. Banmankhi, Dist. Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 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
Banmankhi P.S. Case No. 80 of 2022 registered for the offence
under Sections 363, 365, 506 & 34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 06.04.2023.

5. The allegation against the petitioner is to kidnap
the minor daughter of informant aged about 16 years alongwith
other co-accused persons for the purpose of illicit
intercourse/marriage.

6. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was falsely implicated with present case as his love affairs with the daughter of informant was not accepted by her family members including informant of this case. It is further submitted that after recovery of victim girl, her statement was recorded under Section 164 of the Cr.P.C., where she categorically stated that out of her own sweet will, went with this petitioner and solemnized marriage in a temple located at Madhepura and living happily as wife and husband. 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 fact as victim girl denied the allegations of kidnapping and sexual assault against this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Banmankhi P.S. Case No. 80 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Purnia/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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