

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48794 of 2023

Arising Out of PS. Case No.-402 Year-2023 Thana- PURNEA SADAR District- Purnia

Rahool Kumar Yadav @ Rahul Kumar Yadav Son of Dilip Yadav Resident of
village - Ward no. 12, Chaudi Kathua, P.s. - Muffasil, Distt. - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sadar (Mufassil) PS Case No. 402 of 2023, dated 06.05.2023, registered for the offence punishable under Sections 366A of the Indian Penal Code.

3. As per allegation the informant's sister was earlier enticed by the petitioner, whereafter, they were brought to the village. The village *Sarpanch* found the age of the petitioner and victim to be below the marriageable age and petitioner as well as the alleged victim were allowed to go home. Later, on 22.05.2023, the informant alleges that the petitioner has again enticed her away.



4. It is submitted by the petitioner's counsel that no offence under Section 366 A of the IPC can be made out as there is no allegation of procuring the minor girl for the purpose as contemplated under Section 366A of the IPC. The victim, in fact, in her statement recorded, after her recovery under Section 164 of the Code of Criminal Procedure (for brevity 'Cr. P.C.'), has not alleged that she was subjected to physical or mental abuse. The petitioner is also young, aged about 18 years, as is evident from the allegation levelled in the First Information Report (for brevity 'FIR') .

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, age of the petitioner, statement of the victim recorded under Section 164 Code of Criminal Procedure (for brevity 'Cr. P.C.') which has been taken note of by the learned Sessions Judge, Purnea in the order dated 03-07-2023 rejecting the petitioner's prayer for anticipatory bail and the clean antecedent of the petitioner, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned CJM, Purnea, in connection with Sadar (Mufassil) PS Case No 402 of 2023, dated 06.05.2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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