

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53414 of 2023**

Arising Out of PS. Case No.-272 Year-2023 Thana- MADHEPURA District- Madhepura

RAHUL YADAV @ RAHUL KUMAR YADAV Son of Sri Sadanand Yadav  
Resident of Village - Damgadhi, Panchyat - Nado, P.S.- Saurbazar, District -  
Saharsa (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar Singh  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-09-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since  
13.06.2023 in connection with Madhepura (Ghailarh O.P.)P.S.  
Case No. 272 of 2023, F.I.R. dated 15.03.2023 registered for the  
offence punishable under Sections 363,366,498,379,34 of the  
Indian Penal Code.

3. As per written report of the informant Sita Devi,  
allegation is that the petitioner Rahul Kumar Yadav @ Rahuy  
Yadav and other FIR named co-accused persons under a  
conspiracy induced the informant's daughter "X" Kumari to go  
with them alongwith a cash and ornaments. The informant  
suspected that the accused persons might have killed her  
daughter.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the date of occurrence as alleged in the FIR is 24.02.2023 but the present FIR has been instituted on 15.03.2023 after delay of 20 days without giving any explanation of delay. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has abducted her and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner which has been supported by the victim in her statement under Section 164 Cr.P.C. but fairly submits that the victim has not stated anything about the sexual assault.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 272 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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)**

Nitesh/-

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