

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59766 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- SINGHIYA District- Samastipur

Sujit Kumar Yadav S/O- Ram Naresh Yadav R/V- Dhanudih, P.S.- Singhiya,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Singhiya P.S. Case No. 93 of 2022 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that her minor daughter aged about the 15 years has been kidnapped by this petitioner and co-accused persons with the intention to marry her.

The main submissions advanced by learned counsel



Mr. Sarbottam Kumar Sarkar, appearing for the petitioner are that the informant's daughter, who is stated to be victim, was not minor when the alleged occurrence is stated to have taken place and as per the information received by the petitioner under R.T.I Act, victim's date of birth is 28.03.2003 and as per the opinion of the Medical Board, victim's age was assessed to be more than eighteen years and during investigation the victim recorded her statement under Section 161 of Cr.P.C. in which she accepted her love affair with this petitioner but later on under pressure she recorded her statement under Section 164 of Cr.P.C., making allegation against the petitioner. Further submission is that the so-called victim got intimate with this petitioner for few times which was captured on camera and in this regard petitioner is ready to show the said footage, if necessary permission is granted and the said video would clearly show that the so-called victim was consented to the said love affair with this petitioner. Further submission is that the petitioner is a young boy and has been languishing in jail since 16.05.2022 having fair and clean antecedent and against him the investigation has been completed. Further submission is that the statement recorded under Section 164 Cr.P.C. is not a substantive evidence and the same can only be used to corroborate or contradict the statement



of a witness. In respect of the said submission, learned counsel has placed reliance on a judgment of Hon'ble Madras High Court, in the case of *Siva v. State, by Inspector of Police in Thiruvallur Police Station in Criminal Appeal No. 642 of 2018*.

Learned APP Ms. Rita Verma, appearing for the State has opposed the prayer for bail.

In view of the above facts, as stated above and mainly considering the petitioner's young age, his custody period and stage of his case, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Singhiya P.S. Case No. 93 of 2022.

(Shailendra Singh, J.)

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