

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60326 of 2022

Arising Out of PS. Case No.-121 Year-2020 Thana- KHIRHAR District- Madhubani

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KRISH YADAV @ KRISH S/O SIKARI YADAV, aged about 22 years,
Resident of village- Khirhar, P.S.- Khirhar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajkumar Rajesh, Advocate
For the State	:	Mr.Suresh Prasad Singh, App
For the informant	:	Mr. Anant Kumar Bhaskar, Advocate
		Mr. Sanjay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 02-03-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Khirhar
P.S. Case No. 121 of 2020 registered for the offence punishable
under Section 363, 366(A) and 34 of the Indian Penal Code.

As per the prosecution, the informant's minor grand-
daughter was kidnapped by this petitioner and his accomplices.

The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is 22 years old,
the victim has been recovered and she has recorded her
statement under Sections 161 and 164 Cr. P.C. and she made
serious contradiction between both the statements as, in the
statement before the police, she accepted her love-affair with



this petitioner while before the Judicial Magistrate, she made the allegation of abduction and forceful marriage by this petitioner with her and the petitioner has fair and clean antecedent and the FIR has been registered under Sections 363, 366(A) read with 34 of IPC in which offence punishable under Section 363 is bailable while offence under Section 366(A) is not made out in this case as victim's age has been assessed 18 years while recording her statement under Section 164 Cr.P.C. and as per medical examination report, her age has been assessed between 18 to 19 years and as per the FIR, there was no eye-witness when the alleged occurrence took place.

Learned APP for the State and learned counsel appearing for the informant have vehemently opposed the bail prayer and submitted that the victim made serious allegation against the petitioner in her statement recorded under Section 164 Cr.P.C.

In view of the facts, as stated above, and mainly the petitioner's young age and also the fact that the victim has been recovered and she made contradictory story and allegations in her statements recorded under Sections 161 and 164 of Cr.P.C. and the petitioner has fair and clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the



petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand), **which will be accepted after framing of charges**, with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Khirhar P.S. Case No. 121 of 2020.

(Shailendra Singh, J)

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