

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66367 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- TARARI District- Bhojpur

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Siyadhar Yadav S/o Siyadhar Yadav R/o Village- Dumariya, P.S.- Tarari,
Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Tarari
P.S. Case No.156 of 2021 registered for the offence under
Sections 366 (A), 120 (B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.06.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about 14 years for the
purpose of illicit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in this case, where thrust of allegation is available, against co-accused, namely, Birbahadur Kumar and Dharmendra Yadav as per F.I.R. It is submitted that petitioner is implicated in the present case only for the reason that he is the uncle of co-accused Birbahadur Kumar. It is also submitted that present F.I.R. was lodged after un-explained delay of seven months without having any just explanations, which suggest in itself the false implication of petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail submitted that victim is still traceless.

In view of the facts and circumstances as mentioned above and by taking note of the facts as thrust of allegation is available against co-accused Birbahadur Kumar and Dharmendra Yadav, where petitioner implicated only for the reason that he is the uncle of co-accused Birbahadur Kumar coupled with the fact that charge-sheet has already been



submitted, let above named petitioner is directed to be released on bail in connection with Tarari P.S. Case No.156 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-Ist Class, Bhojpur, Ara/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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