

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65968 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

KUNDAN YADAV Son Of Krishan Mohan Yadav @ Krishna Murari Yadav
R/O Village- Basuachak, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 02-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Lakhisarai Mahila P.S. Case No. 49 of 2022, dated 09.09.2022
registered for the offences punishable under Sections 342,
376(D), 506/34 of the Indian Penal Code and under Section 4 of
POCSO Act.

3. The main submissions advanced by the petitioner's
counsel are that as per the allegation levelled in the FIR this
petitioner and his three brothers were alleged to have kidnapped
the informant and raped her but the said allegation is completely
unbelievable as all the said accused persons are own brothers
and it is not believable that they had committed the alleged
offence of rape together, in fact there was love affair in between



the informant and the petitioner and in this regard material witnesses have also supported the said factum of love affair during investigation and the senior police official who supervise this case also made a favourable conclusion in respect of the said defence and the informant is not a minor girl as shown in the FIR though as per her Secondary School Examination's marksheet, which is enclosed with the FIR, she is minor but the said marksheet is completely suspicious as the name of the victim and her father are hand written which does not occur in normal course and moreover the petitioner has been languishing in jail since 16.09.2022 and against him investigation has been completed and the FIR was lodged fifteen days after the commission of the alleged occurrence which also casts a serious doubt upon the allegations of the FIR.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the facts that during investigation material witnesses supported the factum of said love affair in between the informant and the petitioner and victim's Secondary School Examination's marksheet also appears to be suspicious and the senior police official who supervised this case also made favorable



conclusion in respect of the defence taken by the petitioner and it also came into light that the petitioner and the informant were having conversations through mobile phones and moreover, the FIR was lodged after inordinate delay of several days, in my opinion, the petitioner, who is a young person, deserves to the privilege of 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 Lakhisarai Mahila P.S. Case No. 49 of 2022.

(Shailendra Singh, J.)

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