

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71087 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- RUDRAPUR District- Madhubani

Sachindra Kumar Yadav, son of Ganga Ram Yadav, resident of village-
Karnpur, P.S- Rudrapur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.466 of 2023, arising out of Rudrapur P.S. Case No.42 of 2023, registered for the alleged offences under Sections 341, 323, 504, 363, 366(A)/34 of the Indian Penal Code. However, cognizance has been taken under Sections 363 and 366 (A) of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing and the informant named the petitioner and his family members for being instrumental in kidnapping her daughter.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. During course of investigation, the victim girl appeared before the police and her statement was recorded under Section 161 Cr.P.c. wherein she stated that she went on her own with the petitioner. The victim girl was medically examined and her age was found to be 18 years and it was also recorded that there was no medical evidence of sexual assault. The statement of the victim girl was also recorded under Section 164 Cr.P.C. wherein she stated that she went with the petitioner on her own as she was in love with him. She also stated that she has solemnized marriage with the petitioner. After investigation, police submitted charge sheet under Section 363 and 366(A) of the Indian Penal Code only against the petitioner and did not send up the other FIR named co-accused persons to face trial. The learned counsel further submits that there is undue delay in lodging the FIR since for an occurrence of 01.04.2023, the FIR has been registered on 05.04.2023 and there is no explanation for the said delay. The learned counsel further submits that in the aforesaid facts and circumstances, no offence under Sections 363 and 366(A) of the Indian Penal Code is made out against the petitioner. The petitioner is in custody since 07.04.2023 and is having clean antecedent.

5. Learned APP opposes the submissions made on



behalf of the petitioner. The learned APP submits that the victim girl is minor and there is allegation against the petitioner that he enticed her away.

6. Having regard to the submissions made hereinabove and considering the fact that the medical board found the victim girl to be major and further considering her statement recorded under Section 164 Cr.P.C. about her own volition in leaving her house and also considering the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-1, Jhanjharpur, Madhubani, in connection with Sessions Trial No.466 of 2023, arising out of Rudrapur P.S. Case No.42 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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