

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71311 of 2022**

Arising Out of PS. Case No.-428 Year-2022 Thana- BANKA District- Banka

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Kundan Kumar Yadav S/O Shambhu Yadav @ Shambhu Prasad Yadav R/O
Village- Golahu, P.S- Banka, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 29-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is not named in the F.I.R. and
apprehended his arrest in connection with Banka P.S. Case
No.428 of 2022 registered for the offences punishable under
Section 366-A of the Indian Penal Code.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about seventeen (17) years
alongwith other co-accused persons/family members for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that victim failed to support the allegation of kidnapping and sexual assault while recording her statement under Section 164 of the Cr.P.C. against this petitioner. It is pointed out that victim aged about twenty years and solemnized her marriage with petitioner out of her own sweet will living happily with petitioner as per supplementary affidavit already filed before this Court. It is submitted that only to aggravate the allegation the age of daughter by informant was shown as seventeen years. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the statement of victim as recorded under Section 164 of the Cr.P.C., suggesting complete denial of kidnapping and sexual assault against this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka/concerned Court below where the



case is pending in connection with Banka P.S. Case No.428 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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