

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16155 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- BALIYA District- Begusarai

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Gaurav Kumar Yadav @ Gaurav Kumar S/o- Vijay Yadav @ Vinay Yadav
Village- Bhagatpur W.No-8, Ps- Balia Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ballia P.S. Case No. 224 of 2023 for the offence registered under sections 363, 366(A) and 34 of the Indian Penal Code lodged on 14.08.2023 by the informant, Mukesh Kumar Suman.

3. As per the prosecution story, the informant alleged that her minor daughter was taken away by the petitioner and she had serious apprehension that the girl may be sold for prostitution business. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the victim girl left the house on 21.07.2023 whereafter the FIR was lodged on 14.08.2023 clearly showing that it is an after thought.

5. Further submission is that the girl subsequently



returned and made statement under section 164 of the Cr.P.C. stating therein that she was in relationship with the petitioner.

6. Learned Counsel submits that though the Doctor has opined that she is between 17 to 19 years even going by the certificate she was on the verge of attaining 18 years and the petitioner do not have criminal antecedent.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation is of taking away the girl for the purpose of prostitution.

8. Considering the submissions put forward by the parties as also the fact that the girl has narrated the story under section 164 of the Cr.P.C., the petitioner do not have criminal antecedent, is a young boy of 22 years, student, this Court is inclined to extend him privilege of anticipatory bail.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Ballia P.S. Case No. 224 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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