

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40185 of 2024

Arising Out of PS. Case No.-56 Year-2022 Thana- LAUKARIA District- West Champaran

Dhulendu Yadav @ Dhulendra Yadav @ Bhulendu Yadav son of Yogendra @
Sadhu Yadav Village- Jarlahiya Ps- Norangiya Dist- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Laukariya P.S. Case No. 56 of 2022 dated 12.05.2022, instituted
for the offence punishable under Sections 366A/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the daughter of the informant went to village
but she could not return home. Thereafter the informant started
searching his daughter. Then, he came to know that the petitioner
and co-accused have taken away her daughter on motorcycle. It is
alleged that when the informant went to the house of the accused
persons, they assured him for returning his daughter. But his
daughter did not return home.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that only on the basis of the information received from villager (name not disclosed), who told the informant that the petitioner took away her daughter on the motorcycle, the petitioner has been made accused in this case. Learned counsel for the petitioner submits that no any witnesses, who told the informant about this incident, has been examined. From bare perusal of the F.I.R., it appears that the name of the villagers, who disclosed the name of the petitioner and another co-accused before the informant, has not been mentioned in the complaint petition. Learned counsel for the petitioner further submits that the date of occurrence is 04.12.2020, but the complaint was filed on 22.01.2021 with delay of more than one months without any plausible explanation. Learned counsel for the petitioner submits that father, mother and sister of the victim girl have been examined under Section 161 Cr.P.C. by prosecution. From their statement given by them, it appears that the victim girl came out from the house due to some quarrel with her sister. It is further submitted that the victim girl was married with Baliram Kazi, but she was dull minded woman due to which she lived at the house of her father. Learned counsel for the petitioner also submits that the petitioner has no concern



with the said victim girl. Learned counsel for the petitioner submits that in paragraph no. 96 of the case diary, I.O. has examined the school register and found the date of birth of the victim girl is 16.08.1996 i.e. 24 years 3 months and 29 days on the date of occurrence. There is no eye-witness to the occurrence, who supports the prosecution case. Lastly, it has been submitted that the petitioner is in custody since 03.09.2023 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Laukariya P.S. Case No. 56 of 2022.

(Khatim Reza, J)

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