

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42604 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- BANMANKHI District- Purnia

Sonu Kumar Yadav S/O Domi Yadav R/O Village- Gangeli, Ward No. 2, P.S-
Banmankhi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in S.T. Case No. 51 of 2024, arising out of Banmankhi P.S. Case No. 280 of 2023, instituted for the offences punishable under Sections 363, 366(A), 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, daughter of the informant was taken away by the petitioner for the purpose of marriage. When the informant went to the house of the petitioner and asked about her daughter, he was abused by the parents of the petitioner.

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



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the victim and the petitioner had love affair between them and the victim herself left her house and went to Rajasthan where the petitioner was living. The victim in her statement recorded under Section 161 Cr.P.C. has stated that the petitioner came on a motorcycle and took her to Rajasthan and used to pressurize her to get married with him but he did not make any physical relationship with her. The victim in her statement recorded under Section 164 Cr.P.C. statement has deviated from her statement recorded under Section 161 Cr.P.C. and stated that the petitioner entered into her house and by putting a bandage on her eyes took her on a motorcycle and thereafter, she was taken to Rajasthan where she was doing the work of labourer.

5. It is further submitted that there is delay of three days in lodging the FIR and also the statement of the victim recorded under Section 161 Cr.P.C. does not corroborate with the statement recorded under Section 164 Cr.P.C. It transpires from the medical report of the victim that she is aged about 22 years and is not a minor, no mark of any injury either external or internal was found and at the time of examination there was no finding of any sexual assault. The petitioner is in custody since



22.11.2023 and bears no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. Case No. 51 of 2024, arising out of Banmankhi P.S. Case No. 280 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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