

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82110 of 2023

Arising Out of PS. Case No.-52 Year-2019 Thana- GWALPARA District- Madhepura

RAJESH YADAV @ RAJESH KUMAR YADAV SON OF DHIRENDRA
YADAV R/O VILLAGE- JHAJHARI, P.S.- GWALPARA, DIST.-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gwalpara P.S. Case no. 52 of 2019 registered under sections 363 and 366A of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter who had gone out to ease herself disappeared and was not to be found inspite of search. In course of searching for her, it is stated that the informant's younger brother disclosed that she had been taken away by the petitioner on his motorcycle.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is no other eye witness except the son of the



informant who claims to be an eye witness. There is contradiction in the statement of the informant, his son and their statement recorded in course of investigation. The petitioner is in custody since 11.9.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that a report was called for from the Superintendent of Police, Madhepura with respect to the progress and investigation. As per contents of the report, an SIT has been constituted for tracing the victim and the concerned SDPO has been ordered to consistently monitor the functioning of the SIT. The victim is yet to be recovered.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., according to which he was seen by the son of the informant taking away the daughter of the informant, the informant's daughter not having been recovered, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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