

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10482 of 2025

Arising Out of PS. Case No.-192 Year-2024 Thana- SIMRI District- Darbhanga

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Suman Kumar Yadav @ Shambhu Yadav @ Suman Kumar Son of Bharat Yadav @ Bharat Ray Resident of village - Bithauli Chock Tara Tola, P.S.- Benibad, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Amina Khatoon W/O Late Md. Ashraf R/O Village- Simri Tola Sonaiban, P.S- Simri, Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	None

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-07-2025 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary. Despite valid service of notice, none appears on behalf of the informant.

2. The petitioner seeks bail in connection with Simri P.S. Case No. 192 of 2024, instituted for the offences punishable under Sections 137(2) and 140(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons have kidnapped informant's daughter with an intention to commit rape upon her.



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 allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that statement of the victim has been recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in which she has stated that no one has kidnapped her rather she herself went away from her house. She has also stated that she herself went at the house of petitioner and solemnized marriage with him. It is next submitted that the victim has refused for her medical examination. The petitioner is in custody since 15.10.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the victim girl was minor at the time of occurrence. There is direct and specific allegation levelled against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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