

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11689 of 2025

Arising Out of PS. Case No.-190 Year-2023 Thana- BENIPATTI District- Madhubani

Rekha Devi W/O Supan Yadav R/O Village- Andhari, P.S.- Benipatti ,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Yadav S/O Late Babuji Yadav R/O Village- Kataiya, P.S- Benipatti, Distt.- Madhubani.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12290 of 2025

Arising Out of PS. Case No.-190 Year-2023 Thana- BENIPATTI District- Madhubani

Udgar Kumar Yadav @ Udgar Yadav S/O Supan Yadav R/O Village- Andhari,
P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Yadav S/O Babu Jee Yadav R/O Village- Kataiya, P.S- Benipatti, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11689 of 2025)

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
: Mr. Ravi Prakash, Adv.
: Mr. Udeshya Kumar Yadav, Adv.
: Mr. Rajesh Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 12290 of 2025)

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
: Mr. Ravi Prakash, Adv.
: Mr. Udeshya Kumar Yadav, Adv.
: Mr. Rajesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-04-2025 1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.



2. This application, for grant of anticipatory bail, arises out of Benipatti Police Station Case No. 190 of 2023, disclosing offences under Sections 341, 323, 363, 366(A), 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners, along with other accused persons, kidnapped the minor daughter of the informant while the victim girl had gone to attend the coaching classes. When the informant and his two sons went to the house of the accused persons, they told that his daughter was taken to Delhi by petitioner in Cr. Misc. No. 12290 of 2025 Udgar Kumar Yadav and both would perform marriage.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on account of the fact that there was love relationship between the petitioner of Cr. Misc. No. 12290 of 2025 and the victim girl. The statement of the victim girl was recorded during the course of investigation on 28.01.2024 in which she has stated that she developed friendship with the petitioner/Udgar Kumar Yadav when they met in a marriage ceremony and the victim used to talk with the petitioner on the phone provided to her by the petitioner, on 10.07.2023, the victim went with the petitioner to Delhi, stayed there for 6-7 days as husband and wife and



subsequently, the mother of Udgar Kumar Yadav told him that family members of the victim girl had lodged a case before the police. Thereafter, she came back to Benipatti on a bus. The victim girl in her statement before the police has disclosed her age as 18 years. She was examined by the medical team in which the victim girl's age has been assessed as 20 years. In her statement recorded under section 164 of the Cr.P.C., on 29.01.2024 the victim girl has changed her version which was taken on 28.01.2024 before the police and stated that she was forcibly kidnapped by the petitioners. Accordingly, the submission is that there is a contradiction in the statement of the victim girl made before the police and before the learned magistrate under section 164 of the Cr.P.C. and it appears that the victim girl was tutored by her family members before her statement was recorded under section 164 Cr.P.C.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the victim girl was minor at the time of occurrence and she was pressurized and forcibly kidnapped by the Petitioner/Udgar Kumar Yadav with the help of other accused persons. She was physically exploited by the petitioner at Delhi which would be evident from the FIR and the statement



of the victim girl recorded under section 164 of the Cr.P.C.

6. I have heard learned counsel for the parties and have gone through the materials on record including the FIR. In her statement recorded before the police, the victim girl has stated that she on her own will went with the petitioner to Delhi in order to solemnize marriage. There is contradiction between the statement of the victim girl made before the police and her statement recorded under Section 164 of the Cr.P.C. The victim girl has disclosed her age as 18 years and the doctor has assessed her age as 20 years in the medical examination.

7. Considering the statement of the victim girl made before the police in which she has stated that she went with the petitioner/Udgar Kumar Yadav on her free will and lived with him as husband and wife, I am inclined to grant the petitioners privilege of anticipatory bail.

8. This application is, accordingly, allowed.

9. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Benipatti, Madhubani, in connection with



Benipatti Police Station Case No. 190 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

