

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68327 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- SINGHWARA District- Darbhanga

Kamlesh Kumar Yadav Son of Ramshreshtha Yadav, Resident of Village-
Kora, P.S.- Singhwara, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Singhwara P.S. Case No.130 of 2024 dated
01.06.2024, registered for the offences punishable under
Sections 363, 376, 372, 420, 406,34,366-A of the Indian Penal
Code.

3. As per allegation, the daughter of the informant was
abducted by the petitioner and co-accused Kundan Kumar
Yadav, Vikas Kumar Yadav, Pusa Devi and Raso Devi and was
raped by Kundan Kumar Yadav. Even there is allegation of
uploading objectionable photo of the daughter of the informant.
There was also attempt on the part of the Kundan Kumar to
compel the daughter of the informant to go into the flesh trade.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the alleged victim-daughter of the informant is major and she has love affair with co-accused Kundan Kumar and she had fled away with him and after leaving the company of the co-accused Kamlesh Kumar, this false case has been filed implicating the petitioner also on account of previous land dispute between the two family. He further submits that the alleged victim has given her statement under Section 164 of Cr.PC and in this statement, only allegation against the petitioner is that he was also an associate in abducting her. But after abduction as per the allegation, it is co-accused Kundan Kumar, who raped the victim several times and took her to several places. But no role of the accused/petitioner has been alleged by the victim. He further submits that this implication of the petitioner is only because of land dispute between the family of the informant as well as the petitioner. Even the mother of the petitioner has been falsely implicated in the F.IR., though, even as per the alleged victim, there is no allegation against her in her statement under Section 164 of Cr.PC.

5. It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Darbhanga, in connection with Singhwara P.S. Case No.130 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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