

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70448 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Sandeep Yadav S/O Bundela Yadav @ Bunela Yadav R/O Vill - Jagdishpur,
P.S.- Vijaipur, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Singh W/o- Late Pramod Singh R/o village Jagdishpur PS- Vijaipur
Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Satyendra Rai, Advocate
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay, APP
	Mr. Natraj Verma, Advocate
	Mr. Sachina, Advocate
	Mr. Naresh Chandra Verma, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 10-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
366A, 504, 506, 509/34 of the Indian Penal Code.

3. The allegation as disclosed in the F.I.R. is that the
petitioner forcibly kidnapped the informant's minor daughter
while she had gone in the field to relieve herself. She had also
alleged that when the informant raised an objection, the
petitioner along with his mother engaged in hurling abuses and
also threatened her owing to which she came back home.



4. Learned counsel for the petitioner submits that the said occurrence had taken place on 06.10.2023 at 6:00 a.m. in the presence of the informant and yet the F.I.R. came to be lodged on 08.10.2023 and no plausible explanation has been tendered on behalf of the informant for the delay of two days. He has further submitted that it has come during the course of investigation that the victim had herself made an appearance before the police station along with the brother of the petitioner. It is only thereafter that her 161 Cr.P.C. and 164 Cr.P.C. statements were recorded. It would appear from a perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. that she had gone along with the petitioner on her own will to Hyderabad, and from there to Gorakhpur, Lucknow, Jaipur and then back to Hyderabad. She has further admitted in the 164 Cr.P.C. statement that she left her house on 06.10.2023 and came back to her house on 20.10.2023. She has even said that when she would reach the age of majority, she would get married to the petitioner. In view of such statement showing the victim voluntarily going to different places with the petitioner without any protest, it does not seem to be a case of kidnapping.

5. The application for bail has been opposed by the learned APP for the State as also the learned counsel for the



informant who has stated that the victim girl is a minor and hence she has been enticed away by the petitioner. In response to the same, learned counsel for the petitioner submits that the victim girl has almost reached the age of discretion as the medical report of the victim would show that her age has assessed to be between 16 to 17 years and further there is no evidence of any sexual assault at the time of her examination, besides the fact that no injury was found at any private part of the victim.

6. Considering the above facts and circumstances i.e., the delay in the F.I.R., the 164 Cr.P.C. statement of the victim as also her medical report, let the petitioner, above named, in the event of his 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 A.C.J.M.-XIV, Gopalganj in connection with Vijaipur P.S. Case No. 312 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023.

(Soni Shrivastava, J)

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