

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34382 of 2017

Arising Out of PS.Case No. -376 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Vikas Yadav @ Vikash Kumar Son of Lalan Prasad Yadav @ Lalan Yadav, resident of Village- Sukhasan (West Tola) Hakpara, P.S. and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-07-2017 Learned counsel for the petitioner is permitted to make corrections in first paragraph of the petition stating the sections under the POSCO Act.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 24.04.2017 in a case registered for the offences punishable under Sections 354 (A), 354 (D), 366 (A) and 511 of the Indian Penal Code as well as under Sections 3, 4, 8, 12 and 17 of POSCO Act.

The prosecution case as lodged by the informant is that the petitioner always enticed the daughter of her brother-in-law namely, Komal kumari @ Toni Kumari, who is studying in class



VII and he forcefully tried to take her away for the purpose of marriage along with some other boys. On information by the informant to her brothers, the petitioner ran away.

It has been submitted by the learned counsel for the petitioner that he is innocent bears no criminal history and has been falsely implicated in the aforesaid case. It has further been submitted that the petitioner has not committed any offence and both parties are on inimical terms and that charge sheet has been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State, vehemently opposes the prayer for bail stating therein that witnesses have supported the prosecution case and also stated that the petitioner used to follow the victim girl, Komal Kumari @ Toni Kumari and used to pass comments.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-Cum-Special Judge, Saharsa in connection with Saharsa Sadar P.S.Case No. 376 of 2017 (POSCO Case No. 14/2017), subject to the



conditions that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned Police station/ Court, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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