

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45333 of 2017

Arising Out of PS.Case No. -67 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

Udayanand Yadav Son of Late Sukhdeo Yadav Resident of village-
Shankarpur, Ward No.-10, Police Station- Kursakata, District- Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence
under sections 341, 323, 3254B, 504/34 of the IPC and sections 8 and
12 of the POCSO Act.

Counsel for the petitioner submits that another brother of the
petitioner has lodged Kursakata Police Station Case No. 31 of 2014
against the informant and her husband in which the petitioner has
deposed. It is also submitted that the petitioner refused to depose in
favour of the informant in another case bearing Kursakata Police
Station Case No. 83 of 2014. Parties are agnates and land dispute is
pending between them and prior to the lodging of the instant case,
petitioner had also filed an informatory petition on 12.8.2016. Prior to
the instant case, no case is pending against him and he is in custody
since 2.7.2017.

In view of the aforesaid submissions, let the petitioner as
mentioned above be released on bail on furnishing bail bond of
Rs.10,000/- with two sureties of the like amount each to the
satisfaction of the Additional Sessions Judge I, Araria in PS.Case No. -
67 Year- 2016 Thana -MAHILA P.S. District- ARRARIA, Special
(POCSO) case no. 18 of 2017, on the following conditions:-



(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Shashi.

U		T
---	--	---

