

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60314 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- DURAULI District- Siwan

MUNNA YADAV @ Ayushman Kumar Son of Vishwanath Yadav @
Bishnath Yadav Resident of Village - Majhwaliya Tole Bhawani Asthan, P.S.-
Assaon, Dist.- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-12-2019 Heard learned Counsel for the petitioner and the
learned APP for the State.

Petitioner is in custody in Darauli PS Case No. 86 of
2019 registered under Sections 363, 366A, 372, 354, 420/34 of
the IPC and Section 8 of Protection of Children from Sexual
Offence Act.

It is submitted by petitioner's Counsel that because
the petitioner was a witness against the family of the alleged
victim girl in Assaon PS Case No. 6 of 2019 he has falsely been
implicated in this case. The falsity is evident from the fact that
the alleged occurrence is of 20.5.2019 whereas the FIR was
lodged on 27.5.2019. The informant has not disclosed the source
of information as at the time of alleged occurrence he was at
Mumbai. Petitioner's Counsel has also placed before this Court
today the certified copy of the deposition of the victim Amrita
Kumari given under Section 164 Cr.P.C. wherein she has stated
that she had gone on her own volition and has married someone



of her own choice and the case need not proceed any further. Petitioner in such circumstances is in custody since 28.5.2019 on which date he was arrested from his home.

Learned APP has opposed the prayer for bail. She submits that the FIR disclosed heinous allegation.

Considering the rival submissions this Court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, 1st, -cum- Special Judge, Siwan in Darauli PS Case No. 86 of 2019 subject to the following conditions:-

(I) That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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