

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9212 of 2020

Arising Out of PS. Case No.-63 Year-2018 Thana- RAJIVNAGAR District- Patna

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HARIDAYAL YADAV @ HIRDAYLAL YADAV @ HARIDYAL KUMAR
Son of Mala Rai R/O Mohalla - Nepali Nagar, P.S.- Rajiv Nagar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Rajiv Nagar P.S. Case No. 63 of 2018, disclosing offences punishable under Sections 341, 342, 323, 354, 504, 506 and 509 of the Indian Penal Code and Section 4/8 of the POCSO Act.

The petitioner is in custody since 14.10.2019. The informant, who claims to be a minor has asserted in the F.I.R. that she had left her house in a bicycle for her school at Shastrinagar. She has alleged that the petitioner, who was in a motorcycle, forcibly made the informant to sit in the motorcycle, whereafter, the petitioner wandered with the victim in the motorcycle here and there. Lastly, the petitioner left the



informant with a lady, who brought the informant to her house at 8 p.m. The occurrence is said to have taken place at 8.45 am.

Learned counsel appearing on behalf of the petitioner has submitted that it is highly improbable that in broad daylight the petitioner could kidnap the informant that, too, in a motorcycle and that the informant could not seek any help, despite the fact that the petitioner was wandering with her in the motorcycle in crowded places. He has further submitted that the F.I.R. does not disclose any offence of sexual assault of any nature.

Mr. Mohammed Arif, learned Addl. Public Prosecutor appearing on behalf of the State, on the other hand, has opposed the prayer for bail and has submitted that since the petitioner has criminal antecedent as disclosed in paragraph 3 of the application, he does not deserve the privilege of regular bail.

However, considering the nature of accusation made in the F.I.R., I find some force in submissions made on behalf of the petitioner for the purpose of grant of regular bail.

Considering the above, this application is allowed.

Let the petitioner above named 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 the learned



1st Additional Sessions Judge, Patna in connection with Rajiv
Nagar P.S. Case No. 63 of 2018.

(Chakradhari Sharan Singh, J)

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