

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27457 of 2020

Arising Out of PS. Case No.-387 Year-2018 Thana- MUFFASIL District- West Champaran

BAGAR KUMAR @ AKHILESH KUMAR YADAV Son of Shri Bharat
Yadav Resident of Village- Purani Gonauli, P.S.- Bettiah Muffasil, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Pushpa Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends his arrest in connection with Bettiah (Muffasil) P. S. Case no.387 of 2018 instituted for the offence under Sections 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

There is an allegation in the F.I.R. regarding kidnapping of the informant's niece. The allegations under the POCSO Act have also been alleged.

The short submissions of the petitioner's counsel is that even as per F.I.R. none has seen the abduction and the case has been lodged merely on suspicion. The petitioner has no criminal antecedents and the statement of the victim recorded under Section 164 Cr. P.C. belies the prosecution case, wherein, she has stated about leaving the house on her own to go to her maternal parents house and that she returned to her house after coming to know about institution of the FIR. In the statement of the victim she has claimed her age to be 17 years.

The learned APP for the State has opposed the prayer for anticipatory bail.



Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge SC/ST/POCSO Bettiah West Champaran in connection with Bettiah (Muffasil) P. S. Case No. 387 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P.C. 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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