

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35076 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- HARSIDHI District- East Champaran

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UMESH YADAV, Son of Hridya Yadav @ Hridaya Yadav, Resident of
Village- Matiyariya, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363, 366A, 323, 504, 34 of the Indian Penal Code.

The prosecution case in brief is that the informant alleging therein that on 30.05.2020 while she went to her field



in the meantime her younger daughter said that Umesh Yadav, Ashok Yadav kidnapped her elder daughter Babita Devi on motorcycle. Thereafter, she came back home and found her daughter missing. Then she went to the house of the petitioner Umesh Yadav and on query Rajesh Yadav and Hardya Yadav abused her and committed mar-pit.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. On 28.05.2020, statement of the informant's daughter was recorded under Section 164 Cr.P.C. wherein she has voluntarily stated that she herself fled away with the petitioner. The victim has also stated her age as 17 years in her statement recorded under Section 164 Cr.P.C., the learned court below has assessed her age as 15 years and medical board has assessed her age between 16 ½ to 17 ½ years. The victim has not alleged sexual assault with her. The petitioner is in custody since 02.06.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail application.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 221/2020 to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran.

(Anjani Kumar Sharan, J)

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