

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12941 of 2021**

Arising Out of PS. Case No.-584 Year-2020 Thana- KATIHAR District- Katihar

RAKESH KUMAR YADAV Son of Dinesh Yadav Resident of Village- Yadav
Tola Madhura, P.S.- Korha, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Harendra
Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Katihar Town P.S. Case No. 584 of 2020 registered
for the offences punishable under Section 341, 370, 376, 419, 420,
120(B) of the Indian Penal Code and Section 4 of POCSO Act and
Section 3, 4, 5, 6, 7 of the Immoral Traffic Prevention Act, 1956.

Learned counsel for the petitioner submits that as per the
prosecution story the Circle Officer, Sadar Katihar got a confidential
information on 14.11.2020 at 8.30 p.m. that the business of human
trafficking was going on in Om Residential Hotel upon which he
along with other police officials reached there and in one room the



petitioner with one girl namely were found. The petitioner and the hotel manager were apprehended.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that neither in the FIR nor in 164 Cr.P.C. Statement of victim girl, she has made any allegation of physical assault or exploitation against the petitioner. The petitioner is in custody since 15.11.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the present case though the FIR has been lodged by the Circle Officer under various provisions of IPC including under Section 376 IPC and Section 4 of the POCSO Act, the victim girl who has made her statement under Section 164 Cr.P.C. before the learned Additional Sessions Judge V, Katihar has not alleged any indecent act and there is no allegation of commission of rape or sexual assault against the petitioner, rather the victim girl has stated that she had gone with the petitioner when the coaching was closed and only after 5-10 minutes the police party came there, further submission that the petitioner is a student of B.Sc. Mathematics and has remained in jail in connection with this case since 15.11.2020, investigation against him is complete but the trial is not likely to be concluded in the near



future, therefore, even for pursuing his study at this stage the petitioner needs to be enlarged on bail, considering all these submissions particularly that the victim girl has not alleged any indecent act against the petitioner, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J. Vith-cum-Special Judge, Katihar in connection with Katihar P.S. Case No. 584 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of or in the
name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

