

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12955 of 2021**

Arising Out of PS. Case No.-37 Year-2020 Thana- BABUBARHI District- Madhubani

RAM BABU YADAV Son of Visheshwar yadav Resident of Village -
Sonmati Tole Kauahi, P.S.- Babubarhi, Distt.- Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate.

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, learned counsel for the informant and Mr. Jitendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Babubarhi P.S. Case No. 37 of 2020 registered for the offences punishable under Section 366 (A), 376, 506, 34 of the Indian Penal Code and Section 9, 10, 11 of the Child Marriage Act 2006 and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that as per the



prosecution story on 26.2.2020 about 6 p.m. in the evening the daughter of the informant had gone to see pooja, from where the co-accused namely Shiv Kumar Yadav took her with him. When the daughter of informant did not return home till evening, the informant started searching for his daughter and found out that co-accused Shiv Kumar Yadav kept her in the house of Bisheswar Yadav and said Shiv Kumar Yadav forcibly got married to her and made physical relation too, after that the minor girl of the informant was recovered with the help of villagers.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no specific allegation against the petitioner, he has been made accused in this case only on the basis of statement of the victim girl. The petitioner is in custody since 15.10.2020 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 from the 164 Cr.P.C. Statement of the victim girl itself it will be clear that she admits her relationship with co-accused Shiv Kumar Yadav, and the thrust of the allegations are against the said



co-accused, further submission that this petitioner has been made an accused only because he happens to be kith and kin of said Shiv Kumar Yadav, however, no overt act has been alleged against him, the petitioner is in custody in connection with this case since 15.10.2020, investigation against him is complete but the trial is not likely to be concluded in near future, 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, Madhubani in connection with Babubarhi P.S. Case No. 37 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'.

