

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32459 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- KANGLI District- West Champaran

SUKUL YADAV Son of Ramadhar Yadav Resident of Village - Sugaha
Bhawanipur, P.S.- Kangali, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Let the defect(s), if any, as pointed out by the

Office, be removed within four weeks of start of normal

functioning of the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Kangali P.S. Case No.81 of 2020 registered for the offence

under Sections 363, 366(A), 379, 504 and 120(B) of the IPC

and Section 8 of the POCSO Act.

As per prosecution case, while the informant was

sleeping in her house, the accused persons six in numbers

entered in her house and abducted her minor daughter, namely,

Shila Kumari and also took away ornaments including cash of

Rs.45,000/-.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that no recovery has been made as alleged in the FIR. He further submits that from the medical report reveals that the victim girl is a major and her age has been assessed in between 18 to 20 years (Annexure-2). He further submits that the victim has been examined by the doctor who has not found any sign of sexual assault upon the victim (Annexure-3). He further submits that the victim girl has been examined under Section 164 of the Cr.P.C. where she has not supported the case of the prosecution. Petitioner is in custody since 25.12.2020.

However, learned APP for the State vehemently opposed the prayer for regular bail.

In the facts and circumstances of the case, the above named petitioner is directed to 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 learned 7th Additional District & Sessions Judge-cum-Special Judge (POCSO) Bettiah, West Champaran in connection with Kangali P.S. Case no. 81 of 2020 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) 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.

(iv) 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.

brajesh kumar/-

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(Rajesh Kumar Verma, J)

