

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37911 of 2021

Arising Out of PS. Case No.-513 Year-2018 Thana- BAKHTIYARPUR District- Patna

GUDDU KUMAR @ GUDDU KUMAR YADAV @ AMIT KUMAR S/O
MAHASHAY YADAV R/o village- Naya Tola Bariyarpur, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Mohan Pd, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2021 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

Spl. (POCSO) Case No.209 of 2018 arising out of

Bakhtiyarpur P.S. Case No. 513 of 2018 registered for the

offence under Sections 323, 341, 307, 385, 365, 427 and 354/34

of the IPC and Section 12 of the POCSO Act.

As per prosecution case, all the accused persons

demanded ransom from the driver of the informant and on

protest all the accused persons entered inside the house of the



informant and broke open the door and assaulted the daughter of the informant and they fled away from the spot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the husband of the informant, namely, Gauri Ray has lodged FIR bearing Bakhtiyarpur P.S. Case No. 519 of 2018 against all the accused persons. He further submits that the statement under section 164 of the Cr.P.C. of Dinesh Kumar @ Karu has not specific allegation against this petitioner. He further submits that similarly situated co-accused, namely, Bhajan Yadav has been granted regular bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 64778 of 2019 vide order dated 17.10.2019, co-accused, namely, Dina Nath Ray has been granted regular bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 24931 of 2019 vide order dated 22.05.2019 and some other co-accused persons have already been granted bail passed in Cr. Misc. No. 64778 of 2019, Cr. Misc. No. 23830 of 2019 and Cr. Misc. No. 24221 of 2019 respectively. Petitioner is in custody since 12.04.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail of the petitioner and submitted that the petitioner has three criminal antecedents.



Considering the aforesaid facts and circumstances and the period of custody of the petitioner, 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 Additional Sessions Judge-VI, Patna-cum-Special Judge POCSO Act, Patna in connection with Special Case No. 209 of 2018 arising out of Bakhtiyarpur P.S. Case no. 513 of 2018 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.

(Rajesh Kumar Verma, J)

brajesh kumar/-

U			
---	--	--	--

