

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40462 of 2020

Arising Out of PS. Case No.-552 Year-2019 Thana- NATHNAGAR District- Bhagalpur

BISHU YADAV Son of Late Lale Yadav Resident of Village - Sahijangi Neu
Toliya, P.S.- Nath Nagar, (Madhusdanpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2021 Heard both parties.

The petitioner seeks bail in Nathnagar (Madhusudanpur) P.S. Case No. 552 of 2019 (POCSO Case No. 28 of 2020), registered for the offence punishable under Sections 363, 365, 504, 323, 506 and 34 of the Indian Penal Code. Later on, section 302 IPC was added.

As per the FIR, informant's daughter is missing from 11.11.2019 at about 8.00 pm. Informant suspected that Bishu Yadav (petitioner), father-in-law of Bishu Yadav, mother-in-law of Bishu Yadav and two other co-accused are involved in the kidnapping of his daughter, as earlier also the accused persons had threatened him with dire consequence.

It is submitted on behalf of the petitioner that save and except suspicion, there is no material against this petitioner. Petitioner is father-in-law of the informant and maternal grand



father of the deceased. Moreover, there is no eye-witness of the occurrence. Chargesheet has already been submitted. Petitioner is in custody since 17.11.2019 having clean antecedent, as stated in para 3 of the petition.

Keeping in view the period of custody of petitioner and having clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 552 of 2019 (POCSO Case No. 28 of 2020), subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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