

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3060 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- SHERGHATI District- Gaya

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Amit Yadav S/o Rajendra Yadav R/o Mnansadin, P.S. - Dhangol, District -
Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 28-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sherghati P.S. Case No. 111 of 2020, registered for the

offences punishable under Sections 366 (A) of the Indian

Penal Code and Section 3(i) (r) (s) of SC/St Act.

The prosecution case as emerging from the FIR is

that on 19.09.2021 at about 07.30 P.M., the petitioner had

taken away the minor daughter of the informant on

motorcycle.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He further submits that petitioner is a young man of 27 years and pursuing course of graduation. He also submits that even going by the FIR or even statement under Section 164 Cr.P.C, there is no sexual assault by the accused against the alleged victim and he also refers to the statement of the alleged victim made under Section 164 Cr.P.C. as per which she has admitted that she was in constant conversation with the accused-petitioner. He further submits that the alleged victim has got married and already settled. He also submits that petitioner has been languishing in jail since 22.02.2021. He further submits that investigation in this case is complete and charge-sheet has already been submitted, but charge is not framed.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail



saying that the alleged offence is serious in nature, however, fairly concedes that the allegation of sexual assault by the accused-petitioner against the alleged victim.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Judge SC/ST, Gaya in connection with Sherghati P.S. Case No. 111 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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