

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4826 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- KHIJARSARAI District- Gaya

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Pankaj Yadav Son Of Late Deosaran Yadav Resident Of Village- Shishwar,
P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Khizersarai P.S. Case No. 404 of 2020 registered for the

offences punishable under Section 366(A) of the Indian

Penal Code.

The prosecution story as emerges from the FIR is

that on 14.12.2020 at about 10:00 AM the daughter of



informant went to Chiraili Bazar but did not return. However, on 23.12.2020, the informant got information that one Pankaj Yadav has kidnapped his daughter.

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 has not enticed the alleged victim. In fact, she herself came to him and went to Delhi for living together, but when she came to know that a case has been lodged she came back to her house. He also refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C., in which she has clearly stated that on 14.12.2020, in the morning, she came to Delhi with the alleged accused, Pankaj Kumar without informing her family members and started living at Delhi. However, in the last part of the statement, she has stated that she was enticed whereas from the perusal of first part of her statement, it is apparent that she was not enticed but in fact she had gone with Pankaj Kumar on her own will and there is no allegation of sexual assault. Even as per allegation, she is 15 years old and she was mature enough to know the import of any action.



The petitioner has been languishing in jail since 02.07.2021.

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.

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. A.C.J.M IV, Gaya in connection with Khizersarai P.S. Case No. 404 of 2020, **after framing of charge, if not already framed** 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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