

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11136 of 2022**

Arising Out of PS. Case No.-88 Year-2021 Thana- BAIRIYA District- West Champaran

SUBHASH KUMAR YADAV @ SUBHASH YADAV SON OF BARMA
YADAV R/O VILLAGE- MACHHARGAWA, P.S.- BAIRIYA, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-06-2022 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in a case registered for
the offence under Sections 366A and 34 of the Indian Penal
Code and Section 12 of the POCSO Act.

The daughter of the informant is said to have been
abducted by the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that in fact, the alleged occurrence took
place on 26.04.2021 whereas the F.I.R. has been lodged on



13.05.2021 after lapse of almost seventeen days without explaining the plausible delay which creates doubt over the prosecution version. He further submits that the specific allegation of taking away the victim is attributed to the co-accused, Dhananjay Yadav. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that her parents were to kill her and under compulsion she chose to flee away with the co-accused, Dhananjay. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.12.2021.

Learned A.P.P. for the State and learned counsel for the informant has opposed the prayer for bail of the petitioner and submits that trial of the case is at advance stage, therefore, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Bairiya P.S. Case No. 88 of 2021 with the



following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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)

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