

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36457 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- SUPAUL District- Supaul

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Ganesh Kumar Yadav, aged about 48 years, gender-male, Son of Late Sukumar Yadav Resident of Village - Menha, P.S.- Marouna, at Present address- supaul ward No.15, P.S. and Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv.

Mr. Ranjay Kumar Singh

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Supaul P.S. Case No. 5 of 2020 registered for the offences punishable under Sections 366(A), 364, 120(B) of the Indian Penal Code.

The prosecution case, in short, is that on 06.09.2019 at about 5 AM, the minor daughter of the Informant namely Shanti Kumari aged 14 years had gone for morning walk and when she did not return till 7 AM, the Informant started to search her unsuccessfully.

It is further alleged that the daughter of the Informant had also filed F.I.R. bearing Supaul Mahila P.S. Case No. 106 of 2018 on 8.8.2018 under Sections 365/354(A)/ 452/341/



447/448/ 379/504/506/34 of the Indian Penal Code for the occurrence dated 8.8.2018 against the petitioner and other accused persons in which the police submitted charge-sheet under Section 447/448/379/504/506 of the Indian Penal Code and Section 8 of the POCSO Act. It is further alleged that the accused persons used to pressurize upon the Informant and her daughter for withdrawal of the aforesaid case. It is further alleged that the accused persons have kidnapped the daughter of the Informant and she might have been killed.

Learned counsel for the petitioner submits that petitioner has criminal antecedent but, is innocent and has committed no offence and has falsely been implicated in the present case only because the petitioner is the close relative of the co-accused, namely, Satish Kumar Yadav @ Sachin Yadav. Learned counsel for the petitioner submits that in the earlier case Supaul Mahila P.S. Case No. 106 of 2018, the police after investigation submitted final form in favour of the petitioner. It is further submitted that the co-accused Satish Kumar Yadav @ Sachin Yadav @ Satish Kumar has been granted bail by this Court vide order dated 21.02.2022 passed in Cr. Misc. No. 36138 of 2021 and the petitioner is in custody since 10.12.2021.

Learned Additional Public Prosecutor has vehemently



opposed the prayer for bail of the petitioner, stating that the petitioner carries two criminal antecedents as is evident from paragraph no.3 of the present bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Supaul in connection with Supaul P.S. Case No. 05 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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