

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27934 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- SRINAGAR District- West Champaran

AKHILESH YADAV Son of Madan Yadav Resident of village - Mangalpur
Gudaria, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-07-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under Sections 346, 367, 372(2)(3), 373, 506, 509 of the Indian Penal Code, 3,4,5,6, 7 of the Immoral Trafficking Act, 1956, Section 75 J.J. Act and Section 8 of the POCSO Act.

As per prosecution case, on secret information, the police raided the house of the co-accused for recovery of kidnapped girl Puja Kumari, but the said kidnapped girl was not recovered from the house of the petitioner rather a boy and three girls were found in



the said house who disclosed the name before the raiding party and also disclosed that the said kidnapped girl went to a Barat party for dancing in the Orchestra. Then the raiding party went to village Kohram Dengehi where they found five girls dancing in the Orchestra and on inquiry, they disclosed their names. It is further alleged that recovered girls disclosed that one Shaniya Murmu, wife of Akhlilesh Yadav (petitioner herein) induced them and brought them for dancing in the said Orchestra, Shaniya Orchestra whose owner is Akhilesh Yadav (the petitioner) and the said Orchestra runs in the name of his wife. Thereafter the raiding team raided the house of Hadish Miyan where they found the aforesaid kidnapped girl and the accused petitioner Rambabu singh alongwith one other girl who also disclosed her name, age and addresses. These two recovered victims also disclosed that the accused Rambabu Singh had induced them for dancing in the Orchestra in the name of Pooja Musical Dance Party. The accused also admitted that he runs the said dance party in the name of his wife.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case with ulterior motive. There is no allegation of sexual assault against the petitioner. No force was used for dancing of the said girls in the Orchestra. Learned counsel for the petitioner further



submitted that the petitioner is the owner of the said Orchestra and the said Orchestra was running in the name of his wife. The Immoral Trafficking Act and POCSO Act are also not applicable in this case. The petitioner is also accused in one more case, i.e., Nautan P.S. Case No. 160 of 2022 as stated at para 3 of the bail petition. The petitioner is in custody since 07.04.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner above-named, is directed to be enlarged on bail on his furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 6th -cum- Special Judge POCSO, Bettiah, West Champaran in connection with Srinagar P.S. Case No.112 of 2021.

The application stands allowed.

(Chandra Prakash Singh, J)

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