

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42445 of 2021**

Arising Out of PS. Case No.-329 Year-2019 Thana- SAHARSA SADAR District- Saharsa

SUNIL KUMAR @ MANKHUSH YADAV @ MANKHUSH KUMAR S/o  
Shivdatt Yadav R/o village- Bhelwa Tola, Ghormaha Ward No. 06, P.S.-  
Gamharia, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate.

For the Opposite Party/s : Dr. Ajit Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      24-01-2022      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two  
weeks of the complete start of the physical Court in normal  
course.

The petitioner, who is in custody since 10.02.2021,  
seeks regular bail in connection with Saharsa Sadar P.S. Case  
No. 329 of 2019 for the offence punishable under Sections 363  
and 366A/34 of the Indian Penal Code. The allegation under  
Sections 12 and 17 of the POCSO Act was added on the basis of  
the investigation.

As per the F.I.R., the informant has alleged that the



petitioner along with seven other accused persons named in the F.I.R. kidnapped her daughter when she had gone to attend call of nature on 02.04.2019 at 4 PM.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that though the petitioner has been made accused in kidnapping of the daughter of the informant, however the daughter of the informant returned after two years and the victim in her statement recorded under Section 164 Cr. P.C. stated that she has married with one Abhishek Kumar and she also disclosed her age as 19 years. Charge sheet has been submitted in this case on 28.02.2021. petitioner has clean antecedent and is in custody since 10.02.2021 for no offence committed by him.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case as well as the fact that the victim has married with one another co-accused Abhishek Kumar. The victim has accepted to have married with said Abhishek Kumar and she has not alleged any assault committed by the petitioner, the petitioner, above named, is directed to be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I cum Special Judge, POCSO, Saharsa in connection with Saharsa Sadar P.S. Case No. 329 of 2019, POCSO Case No. 10 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

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