

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35290 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- SALAIYA District- Aurangabad

Radhe Yadav Son Of Naresh Yadav R/O Village- Ranidih, P.S.- Salaiya,
District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advo

For the Opposite Party/s : Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 26-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Salaiya P.S. Case No. 09 of 2022 for the
offences punishable under Sections 323, 504, 366(A) of
the Indian Penal Code. And sections 7 and 8 of POCSO
Act.

As per the prosecution case, it is alleged that on
19.10.2021 at about 10 pm when the daughter of the
informant went to attend the nature call, in the meantime,
co-accused Ranjeet Kumar and one unknown persons



kidnapped her daughter forcibly and taken her to some distance and started committing wrongful act with her thereupon the daughter of the informant started shouting, then both the accused persons started beating her and threatened her with dire consequences. It is also alleged that on 22.12.2021 the petitioner and one another person also come to the house of the victim and threatened the informant and the victim girl for dire consequences.

Learned counsel for the petitioner submits that the name of the petitioner has been implicated in this case only on account of he being father of Ranjeet Kumar and in order to pressurize, all his family member, his name has been implicated. She further submits that admittedly, the occurrence took place on 19.10.2021 but the Complaint Case has been instituted on 03.01.2022 without assigning any reason for the delay. She next submits that co-accused Saryu Yadav against whom, there is identical allegation, has already been granted privilege of anticipatory bail by the learned co-ordinate Bench of this court in Cr. Misc. No. 29179 of 2022 vide order dated 15.06.2022. She last submits that the petitioner is in custody since 25.05.2022.



On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation that he threatened the informant and the victim girl and he is also involved in one another case.

Regard being had to the submissions and considering the nature of allegation as also the fact that other co-accused person having similar allegation have already been granted bail by co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Exclusive Judge POSCO Aurangabad in connection with Salaiya P.S. Case No. 09 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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