

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51266 of 2021

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

BHOLA YADAV son of Late Prahalad Yadav Resident of Machharganwa,
Nautan, P.S. - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code and Section 12 of POCSO Act.

The prosecution case, in short, is that the daughter of the informant had gone out of the house to defecate in field, the resident of my own village namely, Dhananjay Yadav alongwith his colleague Shubhash Yadav have kidnaped his daughter with an intention to get marriage. When daughter of the informant started screaming, the informant came out and saw that Dhananjay Yadav and Subhash Yadav were taking away the



daughter and when he went at the door of Bhola Yadav then Bhola Yadav and Jitendra Yadav started abusing and drove him from his door. The informant believed that all the accused persons have kidnapped his daughter.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact the petitioner is the father of the co-accused namely, Dhananjay Yadav. He further submits that it appears from the FIR that the date of occurrence as mentioned in the FIR is 26.04.2021 and the present FIR has been instituted on 13.05.2021 after delay of 18 days without any explanation of delay. He further submits that the prosecution has recorded the statement of the victim under Section 164 Cr.P.C. in which she specifically stated that there is no role of the petitioner in the present occurrence. The petitioner is in custody since 08.06.2021.

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

Considering the facts and circumstances of the case, 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 learned Court below



where the case is pending in connection with Bairiya Police Station 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 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.

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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