

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55108 of 2021

Arising Out of PS. Case No.-246 Year-2021 Thana- MADHEPURA District- Madhepura

Binod Kumar Yadav @ Binod Yadav Son Of Bhutkan Yadav Resident Of
Village- Maura Kabiyahi Ward No. 6 P.S. Shankarpur District- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with POCSO
Case No.10 of 2021 arising out of Madhepura (Bharrahi) P. S.
Case No.246 of 2021, instituted for the offences under Sections
363, 366-A and 34 of the Indian Penal Code read with Section
12 of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 23.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that her daughter aged about 16 years on
17.03.2021 at 12.00 P.M. had gone outside of the house to



attend the call of nature when she was kidnapped by the petitioner Somi Ram and other criminals. Thereafter, the informant went to the house of the petitioner to enquire about her daughter, when he was informed by the father of the petitioner that they have kidnapped the daughter after changing her religion.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant, despite not being an eye witness to the occurrence, has alleged that it was the petitioner along with other named accused persons, who had kidnapped his minor daughter. The learned counsel thus submits that the conduct of the informant in itself demonstrates that the informant was aware that the victim was in love with the petitioner and she eloped willingly and thus, the informant was knowing and hence, he even visited the house of the petitioner to enquire about his daughter. The learned counsel submits that though the petitioner alleges that his daughter was a minor, but no document has been brought on record to establish the minority.

On the other hand, the learned Court below has



assessed her age to be 17 years while the doctor has assessed her age in between 17-19 years.

The learned counsel for the petitioner submits that though the statement of the victim under Section 164 of the Cr.P.C. does not support the prosecution case, but when it is read though the informant has supported the prosecution case in her statement under Section 164 of the Cr.P.C., but in reality if the statement is read carefully, it would manifest that the victim in a way has supported the petitioner as she has stated that neither her religion was changed, nor the petitioner married rather after sometimes the petitioner himself brought the victim to the house of the informant and does not even remotely allege or suggest that the petitioner in any manner abused her either physically or sexually.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Madhepura in connection with POCSO Case No.10 of 2021 arising out of Madhepura (Bharrahi) P. S. Case No.246 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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