

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59510 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

NAND KISHORE YADAV @ NAND KISHORE KUMAR Son of Mohan
Ray Resident of Village- Ahiyapur, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sahebganj P.S. Case No. 24 of 2020 instituted for the offences under Sections 363, 366, 366(A), 506, 34, 364, 302, 201, 120(B), 354 and 34 of the Indian Penal Code read with Sections 3(1)(r)(w)3 (2)(v) of the SC/ST Act and Section 12 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 03.06.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 09.01.2020 at 8:00 pm his daughter (deceased) received a call from mobile no. 9264263154 and she



disclosed that the call came from Manish and she went out of the house but when she did not return, a search was made but the deceased could not be found. It is further alleged that thereafter the informant went to the house of Manish and inquired from the petitioner about the deceased but the petitioner refused to talk to the informant and threatened him informant also, thereafter it is alleged that the informant through villagers came to know that his daughter was kidnapped by the accused persons with an intention to kill.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner being father of Manish came to be implicated in the present case by the informant. Learned counsel submits that body of the daughter of the informant was subsequently found. Learned counsel further submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the entire allegation hinges around suspicion, the informant is not an eye-witness to the occurrence, further it manifests that deceased left the house after informing that she had received a call from Manish but from the allegations it does not appear that she had gone to meet Manish. Learned counsel further submits that the petitioner



being father of Manish has been implicated in the case.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent, entire allegation hinges around suspicion and the informant is not an eye-witness to the occurrence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7th-cum-Special Judge POCSO Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 24 of 2020.

(Satyavrat Verma, J)

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