

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55035 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- CHHATAPUR District- Supaul

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ARVIND KUMAR YADAV @ ARVIND YADAV S/o Deo Narayan Yadav
Resident of Village- Kathara, Ward No.09, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arun, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with POCSO Case No. 75 of 2021, arising out of Chhatapur P.S. Case No. 332 of 2021 registered for the offences punishable under Sections 363, 365 and 366(A)/34 of the Indian Penal Code and Sections 8/17 of the POCSO Act.

The prosecution case based on a written report filed by the informant alleging therein that on 24.09.2021 at about 06:00 PM, when the informant went to his field for some work , his minor daughter was inside the house, in the meantime all the



FIR named accused persons came on an Auto Tempo and forcibly abducted his minor daughter. It is alleged that during the inquiry the informant came to know that the accused persons took his daughter to the village Daharia and kept there.

Learned counsel appearing on behalf of the petitioner submits that during the course of investigation, the investigating officer recovered the victim on 27.09.2021 and her statement was recorded under Section 161 of Cr.P.C., in which she completely denied the allegation of abduction rather she stated that she voluntarily went to attend the birthday of her friend without informing her family members. He further submits that however, after two weeks when her statement was recorded under Section 164 of Cr.P.C. victim gave completely different version and stated that the FIR named accused persons abducted her from the house and took away at different place, where co-accused Amresh Yadav forcibly solemnized marriage and took photos and prepared videos. He also submits that other co-accused persons against whom there is allegation that they forcibly abducted the victim, have been allowed privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in Cr. Misc. No. 43349 of 2022. He lastly submits that the petitioner having fair antecedent, is in custody since 17.06.2022



and moreover, the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the victim is a minor and it is alleged that the petitioner and others forcibly abducted her for the purpose of marriage.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is contradictory statement of the victim under section 161 of Cr.P.C. and under Section 164 of Cr.P.C., apart from that other co-accused persons having similar allegation have been allowed privilege of anticipatory by the learned Co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum Special Judge POCSO Court, Supaul, in connection with POCSO Case No. 75 of 2021, arising out of Chhatapur P.S. Case No. 332 of 2021, 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.

(Harish Kumar, J)

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