

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)s
CRIMINAL MISCELLANEOUS No.66365 of 2021**

Arising Out of PS. Case No.-290 Year-2020 Thana- KASIMBAZAR District- Munger

Shiva Yadav Son Of Manoj Yadav Resident Of Village- Sandalpur Jhajha
Tola, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks after start of normal functioning of the Court.

Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and Mr. Mithilesh Kumar Khare, learned APP for the
State.

The petitioner in the present case is seeking regular
bail in connection with Kasim Bazar P.S. Case No. 290 of 2020
registered for the offences punishable under Section 366(A)/34
of the Indian Penal Code and Section 8 of Protection of
Children from Sexual Offences (POCSO) Act. He is in custody
since 20.09.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, this petitioner had with the help of his



father kidnapped the 16 years old daughter of the informant but in course of investigation, the victim girl presented herself before the police and got her statement recorded under Section 164 Cr.P.C. before a learned Magistrate. It is specifically submitted on the strength of pleadings in paragraph '9' of the application that the victim girl has disclosed her age as 19 years and she has stated that she was in love with the petitioner and has married with him on her own will.

Learned counsel submits that presently the victim girl is residing in her *sasural* i.e. place of the petitioner.

Learned APP for the State has not opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case particularly, the statement of the daughter of the informant as stated in paragraph '9' of the petition, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-cum-Exclusive Special Judge (POCSO Act) in connection with Kasim Bazar P.S. Case No. 290 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.



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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

