

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70480 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- NAUTAN District- West Champaran

Jitendra Yadav @ Jitendra Kumar, S/o Birendra Yadav, R/o village-
Puranhpur, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey,Advocate Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Nand Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nautan P.S. Case No. 60 of 2020 registered for the alleged offences under Sections 366A and 34 of the Indian Penal Code and under Section 8 of the POCSO Act.

As per prosecution case, the minor sister of the informant was kidnapped by the petitioner and other co-accused persons with intention of forcible marriage.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The sister of the informant and co-accused Pawan Kumar were having affair and the sister of the informant eloped with co-accused Pawan Kumar. The victim girl has recorded her statement under Section 161 Cr.P.C. wherein she has stated that she has gone with her lover and could not return due to lockdown and in the meantime, her family members lodged this case. But, it appears that under pressure, she recorded her statement under Section 164 Cr.P.C. making allegation against the petitioner and other co-accused persons which is quite improbable and absurd. Moreover, she has not made any allegation about sexual assault against the petitioner. The victim girl was medically examined and her age was assessed to be 17 to 19 years. She has solemnized marriage with co-accused Pawan Kumar and has sent a representation petition to D.I.G., Bettiah along with photographs of her marriage. The petitioner has been made accused in this case merely because he is friend of co-accused Pawan Kumar. Even the prosecution story as mentioned in the F.I.R. is absurd and improbable that a minor girl was taken on bike by five persons. Charge sheet has been submitted in this case and the petitioner is in custody since 24.09.2021 and no specific overt act has been attributed to him.



Learned APP for the State opposes the prayer for bail of the petitioner submitting that specific allegation has been made in the F.I.R. against the petitioner and other co-accused persons.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner which appears to be quite vague, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Nautan P.S. Case No. 60 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

