

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9512 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- BHORE District- Gopalganj

Vishal Yadav @ Bishal Yadav Son Of Subhash Yadav R/O Village- Barahara,
P.S.- Bhorey, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bhorey
P.S. Case No. 29 of 2020, registered for the offences
punishable under Sections 363 and 34 of the Indian Penal
Code. Later on, Section 376 of the Indian Penal Code was
also added.

The prosecution case as emerging from the FIR is
that on 23.01.2020 the alleged victim aged about 17 years,
had gone to school for taking her Admit Card and thereafter
she did not return home. Hence, the FIR was lodged by the
mother of the alleged victim expressing apprehension that



something wrong had happened to her.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the statement of the alleged victim as recorded under Section 164 Cr.P.C., the allegation against the petitioner is general and omnibus and specific allegation is only against Pradeep Baitha who took her to Mumbai where Pradeep Baitha treated her like his wife. He also submits that as per documentary proof, she has already entered into marriage with Pradeep Baitha and he has filed photocopy of the declaration signed by Pradeep Baitha as well as the alleged victim. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that the petitioner will co-operate in the trial and the trial will not hamper in case he is released on bail.

He further submits that the petitioner has been languishing in jail since 24.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.



It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved earlier before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 49155 of 2021, which stood withdrawn.

However, the learned APP for the State as well as the Informant vehemently opposes the prayer of the petitioner for bail submitting that the accused persons have committed rape upon the victim and even POCSO Act is attracted against them.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. VIth Additional Sessions Judge, Cum Special Judge, POCSO, Gopalganj in connection with Bhorey P.S. Case No. 29 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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