

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11159 of 2023**

Arising Out of PS. Case No.-552 Year-2019 Thana- NATHNAGAR District- Bhagalpur

BODHI YADAV @ BOUDHI YADAV @ MITHLESH KUMAR YADAV
Son of Late Polo Yadav R/v- Dhobiya Tola, Pariya, P.S.- Bariyarpur, District-
Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 4 21-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 18.10.2022 in connection with Nathnagar (Madhusudanpur) P.S. Case No.552/2019, dated 14.11.2019, for the offences punishable under Sections 363, 365, 504, 323, 302, 506 and 34 of the IPC.
3. According to prosecution case, since the daughter of the informant was missing from 11.11.2019, the informant suspected that the petitioner along with other co-accused persons are involved in the kidnapping of the daughter of the informant.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no accusation of any assault or overt act



attributed against the petitioner and in fact the petitioner is father-in-law of co-accused Mantu Yadav and the informant is brother-in-law of co-accused Mantu Yadav and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Mukesh Kumar Yadav and Mantu Yadav have been granted bail vide order dated 29.03.2023 by the learned court below itself, other co-accused, namely, Savitri Devi @ Savitry Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No.75284/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Exclusive Special Judge POCSO Act, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 552/2019, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

amit/-

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

