

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15017 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- BIHAR District- Nalanda

SUDHIR YADAV S/o Rajo Yadav R/o Village- Baikthta, P.S.- Shekhopur Sarai, Distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Adv.
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP
For the Informant : Mr. Mithilesh Prasad Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner, who is in custody since 12.10.2022 seeks bail, in connection with POCSO Case No.93/2022, arising out of Bihar P.S. Case No.384/2022, dated 26.05.2022, for the offences punishable under Sections 302, 34, 376(D), 120(B) of the IPC, Section 6 of POCSO Act and Sections 3(2) (v) of SC/ST Act.

3. According to prosecution case, some unknown persons informed the informant through the mobile of his daughter that his daughter was admitted in Sadar Hospital, Biharsharif. Thereafter the informant went there and found his daughter in dead condition.



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 the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Akash Kumar and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.10.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that the confessional statement of the co-accused suggests that the petitioner was involved in the present occurrence and blood and semen of the petitioner was also sent for lab test and lab test suggests that both the test results in negative with respect to the petitioner. Learned counsel for the informant submits that trial is going on and out of 14 witnesses, 4 witnesses have already been examined.



6. Considering the aforesaid facts and blood and semen does not match and the name of the petitioner has been transpired on the basis of confessional statement of the co-accused as well as report of the learned trial Court, 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 Sessions Judge-VI-cum-Special Judge POCSO Court, Nalanda in connection with Bihar P.S. Case No.384/2022, 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)

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