

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13992 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- ATRI District- Gaya

Nitish Kumar Yadav @ Nitish Kumar @ Mahendra Kumar Son Of Jitendra Prasad Yadav @ Jitendra Yadav Resident Of Village - Pathari, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366A but later on cognizance has been taken under Sections 363, 366A, 376 and 109 of the Indian Penal Code and Section 4/8/17 of the POCSO Act.

As per FIR, the allegation against the petitioner along with co-accused persons is that they kidnapped daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim is a mature girl, aged about 18 years and as per her statement recorded



under Section 164 of the Cr.P.C. which is annexed with case diary, wherein she stated that she went Ludhiana with the petitioner with her own sweetwill and thereafter they solemnized marriage in a temple. It is further submitted that the petitioner is languishing in judicial custody since 08.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Atri P.S. Case No. 349 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum Additional Sessions Judge-VII, Gaya.

(Sunil Kumar Panwar, J)

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