

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16228 of 2023

Arising Out of PS. Case No.-332 Year-2021 Thana- CHHATAPUR District- Supaul

Subhash Yadav @ Subhash Chandra Yadav S/O Late Darogi Yadav Resident
Of Village- Ghiwaha, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363, 365, 366A/34 of the Indian Penal Code and Section 8/17 of the POCSO Act.

Petitioner is said to have abducted the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that during the course of investigation, the investigating officer on 27.09.2021 recovered the victim from Dhibha Young Chowk and recorded her statement under Section 161 Cr.P.C. in which she completely denied her abduction. Thereafter, the statement of the victim was recorded under



Section 164 of the Cr.P.C. in which she took U-turn and stated that the FIR named accused persons abducted her. He submits that the victim made contradictory statement on fear of her parents. He submits that similarly situated co-accused persons have already been granted bail by coordinate Bench of this Court. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts that the victim girl is minor, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Chhatapur P.S. Case No. 332 of 2021.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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