

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22622 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- MAHILA P.S. District- Madhubani

RAM KUMAR YADAV @ SHREE RAM KUMAR YADAV SON OF
VISHESHWAR YADAV Resident of village-Dhanjaya, P.S.-Ladaniya,
District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. NEETU KUMARI D/O BINOD KUMAR YADAV Resident of village-
Dhanjaiya, P.S.-Ladaniya, District-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner, State as
also the Informant.

The petitioner is in custody since 01.12.2021 in connection with Mahila P.S. Case No. 12 of 2021 for the offence punishable under Sections 341, 323, 504, 506/34, 376, 420 of the I.P.C. and under section 4, 6 of POSCO Act lodged on 05.02.2021 by the informant Nitu Kumari.

The allegation in the FIR is that the petitioner made physical relationship with the minor girl repeatedly, which she also supported in the statement made under Section 164 of the Code of Criminal Procedure.

Earlier prayer for bail of the petitioner was rejected



vide order date 12.07.2022 passed in Cr. Misc. No. 16235 of 2022.

Report was called for which has been received by letter no. 160 dated 24.04.2023, according to which despite repeated direction to the prosecution for the appearance of the witnesses till the signing of the letter, witnesses could not be produced.

Taking into account the aforesaid fact and the delay in Trial as also the period of custody, 01.12.2021 (as stated in para 10 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Addl. Sessions Judge Vicum-Spl. Judge (POSCO), Madhubani in connection with G.R. Case No. 15/2021, Mahila P.S. Case No. 12 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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