

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38140 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- SAUR BAZAR District- Saharsa

BAL KISHOR YADAV Son of Late Beelo yadav Resident of Village -
Madhepura Tola, Ward NO. 08, Police Station- Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with POCSO Case No. 37 of 2021, Sour
Bazar P.S. Case No. 299 of 2021, registered for the
offences punishable under Sections 363, 366A and
120B of the Indian Penal Code and Section 8 of the
POCSO Act.

The allegation is regarding the accused
persons including the petitioner herein having
kidnapped the minor daughter of the informant.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has



been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 22.06.2021. The learned counsel for the petitioner has further submitted that the victim girl has already been recovered and she has not named the petitioner to be the perpetrator of the crime.

Per contra, though the learned A.P.P. for the State has vehemently opposed the prayer for bail and has referred to the counter affidavit filed in the present case today in the Court itself, which has been taken on record, to submit that the victim girl has been recovered and in her statement made under Section 164 Cr.P.C., before the learned Magistrate, she has stated that she had fled away voluntarily with one Guddu Kumar and she is staying with him since about one and a half year in Punjab.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also those available in the case diary, this Court does not *prima facie* find the petitioner to be having any complicity in the alleged crime and apparently he has been roped in the present case merely because he is stated to be the uncle of the aforesaid Guddu Kumar, apart from the fact that he is having a clean antecedent and is languishing in custody since 22.06.2021, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Saharsa in connection with POCSO Case No. 37 of 2021, Sour Bazar P.S. Case No. 299 of 2021.

(Mohit Kumar Shah, J)

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