

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37495 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- RAXAUL District- East Champaran

JAI PRAKASH YADAW S/O LADU PRASAD RAY @ LATE LADDU
PRASAD YADAW R/O Village- Mirzapur, Parsi Bhagat Tola, Ward No. 9 PS.
Janta Bazar, Dist. Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.03.2023 in connection with Raxaul P.S. Case No. 125 of
2023, F.I.R. dated 10.03.2023 registered for the offence
punishable under Sections 366(A)/34 of IPC read with Section
8 of POCSO Act.

3. The prosecution case, in short, is that on
07.03.2023, FIR named accused persons are alleged to have
kidnapped the minor daughter (the victim) of the informant aged
about 13 years for the purpose of marriage.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the statement of the victim which was recorded under Sections 161 as well as 164 Cr.P.C. Further submits that the statement of the victim under Sections 161 and 164 Cr.P.C is contradictory to each other. In 161 Cr.P.C. statement of the victim, she has alleged that the petitioner has sexually assaulted to the victim but in 164 Cr.P.C. statement, she has not stated anything against the petitioner with respect to the sexual assault. She stated in 161 Cr.P.C. statement that the petitioner has purchased the victim from one co-accused, namely, Sona and her husband and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Raxaul P.S. Case No.



125 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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