

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45378 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- JAYNAGAR District- Madhubani

MANISH KUMAR YADAV S/O JAYRAM YADAV R/O VILLAGE-
SILKOR, PS. JAYNAGAR, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
Mr. Ravi Prakash, Adv., Adv.
Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 11-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 28.03.2023 seeks bail, in connection with Jaynagar P.S. Case No.71/2023, dated 20.02.2023, for the offences punishable under Sections 363, 366(A) of the IPC & Sections 4/6 POCSO Act.
3. According to prosecution case, the petitioner along with other co-accused after inducing the minor daughter of the informant abducted her with intention to marry with her.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the



petitioner was in love with the victim and the statement of the victim was recorded under section 164 Cr.P.C., in which she has categorically stated that she has performed the marriage with the petitioner in Pahari Mandir, Ranchi on 26.02.2023 and at present she is living in the house of the petitioner as a wife. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material come during investigation to suggest the involvement of the petitioner in the present occurrence but fairly submits that the victim has categorically stated in her 164 Cr.P.C. statement that she has performed marriage with the petitioner.

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Madhubani in connection with Jaynagar P.S. Case No.71/2023, subject to the following conditions:-

1. one of the bailors should be the victim namely Sarika Kumar, D/o Abdesb Kumar, Mauza-Jouki, P.S. Benipatti, Dist.-Madhubani.



2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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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