

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50627 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- BISFI District- Madhubani

Suresh Yadav S/O Ram Julum Yadav R/O Village- Nurchak, P.S- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagat Deo Yadav, Adv.
	:	Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Bisfi P.S. Case No. 102 of 2022 dated 10.05.2022, registered for the offences punishable under Sections 363, 366 (A)/34 of the Indian Penal Code and 8/12 POCSO Act.

3. As per allegation, the minor daughter of the informant had gone to attend the call of nature and did not return to home till the evening of the second day. On search, the informant came to know that the petitioner along with other co-accused persons had kidnapped the daughter of the informant.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that the alleged victim has been recovered and living in her parental home and she has been examined under Section 164 Cr.P.C., in which she has clearly stated that she was in love with the accused-petitioner for one and a half year and she fled away with him to Delhi and she got married in temple. He also submits that she has clearly stated that she has fled away on her sweet-will. He further submits that as per the medical examination the age of the alleged victim is between 16 to 17, as such she is mature enough to know the import of her decision and consequences of her conduct. He also submits that as per the medical examination of the alleged victim there is no evidence of sexual offence, as such no offence either under the provision of I.P.C or under the provision of POCSO Act is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions and Judge-VII-Cum-Special Judge (POCSO, Court), Madhubani, in connection with Bisfi P.S. Case No. 102 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period



of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--

