

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58139 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- SUHAIL District- Gaya

SATYENDRA YADAV @ SATYENDRA MAHTO @ SATENDRA YADAV
Son of Late Prabhu Yadav Resident of village - Surjua Tola Karamgardih, P.S.
- Manatu, Distt. - Palamu (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 363, 366(A), 34 and 376 of the Indian Penal Code, Section 4 of POCSO Act and Section 9 of the Child Marriage Act.

3. As per allegation in the F.I.R., co-accused Surendra Yadav and petitioner came to house of the informant on motorcycle and forcibly took away the minor daughter of the informant. Petitioner took her to his house and married her.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. The victim girl was recovered and her statement was recorded u/s 164 of the Cr.P.C. which is annexed with the case diary, wherein she has



stated that co-accused Surendra Yadav and two other taken away from her house forcibly. Co-accused Surendra Yadav solemnized marriage with her forcibly and thereafter established physical relation. She has not disclosed the name of the petitioner and not stated about his complicity in her statement. As per medical report the age of victim between 18-19 years, hence no case u/s 4 of the POCSO Act is made out. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 24.02.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with Sohail P.S. Case No. 11 of 2023.

(Sunil Kumar Panwar, J)

lata/-

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

