

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54819 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- PARSAUNI District- Sitamarhi

CHANDAN YADAV @ CHANDAN KUMAR S/o Surendra Yadav Resident
of Village- Hanuman Nagar, P.S.- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha,Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection
with Parsauni P.S. Case No. 74 of 2022 for the offence
registered under Sections 363 and 366 A of the Indian Penal
Code.

As per the prosecution story, the victim girl was
residing with her maternal grand-mother and used to go to
coaching centre and return by 2 O' Clock. As she did not return
on the fateful day, search was made when they came to know
that Madhurendra Yadav used to talk to her on mobile and with
the help of Chandan Yadav, his brother as also his mother, the
girl has been taken on a Scorpio.

Subsequently, the victim girl was recovered and she



made statement under Section 164 of the Cr.P.C. As reflects from the observation of the learned Session Judge, although she supported the prosecution story, she did not named any accused persons including the petitioner herein. As per the School Certificate, she was 17 years of age (minor) on the date of occurrence.

Learned counsel for the petitioner submits that he has nothing to do with Madhurendra Yadav, who runs a coaching institute while in the same family, he works as a labour. The further submission is that he do not have criminal antecedent and ready to abide by all the terms and conditions, if granted the privilege of anticipatory bail.

Learned counsel for the informant, on the other hand, submits that on the date of occurrence, she was minor and allegation in the FIR against the accused persons including this petitioner is of kidnapping the girl and as such, he does not deserve bail.

Taking into account the fact that the victim girl subsequent to her recovery has not named this petitioner in her statement under Section 164 of the Cr.P.C., he do not have criminal antecedent, is a young person and will be cooperating in the investigation and will ultimately face the trial, this Court



is inclined to grant him privilege of anticipatory bail subject to condition:

(i) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI cum- Special Judge, POCSO, Sitamarhi in connection with Parsauni P.S. Case No. 74 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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