

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58262 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- CHHATAPUR District- Supaul

Ajad Yadav @ Ajad Kumar S/O Ravi Nadan Yadav Resident Of Village-
Katahara, Ward No.-9, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Chhatapur P.S. Case No. 332 of 2021 for the offence registered under sections 363, 365, 366(A)/34 of the Indian Penal Code. of the Indian Penal Code and section 8 of 2017 of POCSO Act.

As per the prosecution story, the informant alleged that while he was working in his field, his minor daughter went missing and allegation is that four accused persons including the present petitioner took away her on Tempoo. Further, he went to Dahariya, where he came to know that actually she was kidnapped by eight unknown persons. Accordingly, FIR has been lodged.



Learned counsel for the petitioner submits that due to land dispute, there is enmity between the parties. There are two sets of accused Amresh Kumar Yadav, Ravindra Yadav, Mithilesh Hazari, Sawant Kumar Paswan are named accused while five others are unknown persons. The minor girl was subsequently recovered and under section 161 of the Cr.P.C, she stated that she had gone to her friends house after having not been allowed by his family members.

However, later on the pressure of the informant, she was forced to change the statement under section 164 of the CR.P.C and stated that she was sexually assault by Amresh Kumar Yadav and for the first time, stated that this petitioner was also his associate. He had nothing to do with the occurrence and through out the investigation , he was not named but lastly under section 164 of the CR.P.C he has been dragged in. The last submission is that he do not have criminal antecedent.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner do not have criminal antecedent and the main allegation of kidnapping was against accused Amresh Kumar Yadav; this court is inclined to extend him privilege of anticipatory bail with conditions.



Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO, Supaul in connection with Chhatapur P.S. Case No. 332 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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