

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59891 of 2022**

Arising Out of PS. Case No.-231 Year-2020 Thana- SAHPUR District- Bhojpur

JADU YADAV @ CHATHU KUMAR YADAV S/O BILAR YADAV
Resident of village- Badaliya Tola, P.S.- Shahpur, District- Bhojpur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr Murli Dhar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Shahpur (Karnamepur) Police Station (for brevity, **PS**) Case No 231 of 2020 registered for the offence punishable under Sections 366A/34 of Indian Penal Code and later on added with Section 8 of Protection of Children from Sexual Offences (for brevity, **POCSO**) Act.

It is alleged that four persons, including the petitioner, have kidnapped the informant's minor daughter in the wee hours on 21.07.2022.

Learned counsel for the petitioner submits that the Court of Additional Sessions Judge VI (POCSO), Bhojpur at Ara, vide order dated 18.06.2021 passed in the instant case, found the victim to be a major with effect from 20.05.2021. The victim was released as she has also stated that she has solemnized marriage with the instant petitioner. The same is also evident from the order dated 14.09.2022 passed by the same Court rejecting the petitioner's prayer for bail. The petitioner, in the circumstances, is in custody since 20.08.2022.



Apart from Brahmpur (Nainijor) PS Case No 605 of 2020, there is no other antecedent of the petitioner.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, deposition of victim recorded under Section 164 of Criminal Procedure Code, order dated 18.06.2021 passed by the Additional Sessions Judge VI (POCSO), this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI, Bhojpur at Ara in Shahpur (Karnamepur) PS Case No 231 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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

