

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71334 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- KURTHA District- Jehanabad

Kamlesh Yadav @ Kamlesh Kumar Son Of Late Jatan Yadav R/V- Barahiya,
P.S- Kurtha, Dist- Arwal

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 365, 366(A), 376, 120(B), 306, 506 of the Indian Penal Code, Section 4 of POCSO Act and Sections 5(i)(a)(c)(d) of the Immoral Traffic (Prevention) Act.

The prosecution case in nutshell is that informant was married with Nilu Kumari and out of wedlock one son and two daughters were born. Informant along with his wife and children was living with his uncle and aunt and after



sometime he went outside the state for his livelihood. It is further alleged that when he started living outside, petitioner had greedy eyes on the wife and daughters of the informant and he took them on inducement which was protested by the son of informant. It is further alleged that when the son of informant protested he was threatened by the petitioner and he remained engaged with the wife and daughters of the informant for which an audio was made viral. It is further alleged that the son of the informant made several complaints to the authorities but no action was taken and hence on 06.07.2020 he committed suicide. It is further alleged that the petitioner remained involved with the wife and minor daughters in the activities of immoral human trafficking and co-accused Singhlesh yadav was also involved in this activity.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that victims in her statement recorded under Section 164 of Cr.P.C. have not whispered anything about the complicity of



petitioner in the alleged offence. They have also disclosed that petitioner has not applied any force or influence upon them. It is further submitted that the son of informant has committed suicide over love affair with a girl and not as alleged in the F.I.R. It is also mentioned that the wife of the informant has also represented before the A.D.G. Magadh range and clarified that all the allegation in the F.I.R. are false and attempt to assassinate the characters on the account of ill-will and estrangement in the marital life. Moreover, the petitioner is languishing in judicial custody since 12.09.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to **enlarge the petitioner on bail after framing of charge**. The above named petitioner is directed to be **enlarged on bail after framing of**



charge in connection with Kurtha (Manikpur) P.S. Case No. 135 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge (POCSO) Act, Jehanabad.

(Sunil Kumar Panwar, J)

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