

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15444 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Vishal Yadav @ Vishal Kumar Yadav, aged about 19 years, Male Son of
Rama Kant Yadav, Resident of Village-Nagapura, P.S.-Simri, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Buxar
(Ind.) PS Case No. 314 of 2023 instituted for the offences
punishable under Sections 363, 366(A) of the Indian Penal Code
and Section 4/8 of the POCSO Act.

3. As per the prosecution case, it is a case of
abduction of the minor daughter of the informant forcibly
with pretext to marry her with the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that the
daughter of the informant herself accepted before the police



under Section 161 of the Cr.P.C. and also before the Magistrate under Section 164 of the Cr.P.C. in which she has stated that she left the house due to her own free will. Petitioner is in custody since 15.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-VI-cum-Special Court POCSO Act, Buxar, dated 05.02.2024, it appears that there is no any independent witness of the alleged occurrence. The daughter of the informant herself accepted before the police under Section 161 of the Cr.P.C. and also before the Magistrate under Section 164 of the Cr.P.C. that she voluntarily left her house due to her own volition as stated in para-8 of the petition. The petitioner and the daughter of the informant both are major and married with each other and no any specific allegation against sexual assault in the impugned order, considering all these circumstances and submissions made on behalf of the parties, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-



Special Court, POCSO Act, Buxar in connection with Buxar
(Ind.) PS Case No. 314 of 2023.

(Ramesh Chand Malviya, J)

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