

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17216 of 2024

Arising Out of PS. Case No.-555 Year-2023 Thana- MANER District- Patna

Shankar Yadav, aged about 20 years (Male), S/o Krishna Yadav, R/o -
Sherpur, P.S. - Maner, Dist. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ghanshyam Tiwary, Advocate
For the Informant	:	M/S. Satish Chandra and Vivek Ray, Advocates
For the State	:	Mr. Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Maner
P.S. Case No. 555 of 2023 dated 28.07.2023 registered for the
offences punishable under Sections 366A, 376 of the I.P.C. and
Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 28.07.2023 at about
6.00 A.M., the minor daughter of the informant aged about 13
years, had gone towards the temple to pluck flowers but she did
not return. It has come to the notice of the informant that her
daughter took with her clothes and jewellery from the house. He
searched her daughter but all went in vain. It is further alleged
that the informant believed that the petitioner kidnapped the



victim on the pretext of marriage by enticing her. When the informant went to the house of the petitioner to ask about his daughter, his parents abused and threatened him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the statement of the victim has been recorded under Section 161 of the Cr.P.C. in which she has stated that on 28.07.2023 at about 6.00 A.M., out of her own sweet will, she had gone with the petitioner to Danapur by the car and started residing there in a rented room. She loves the petitioner since four years. She performed marriage with the petitioner on 01.08.2023 at Sonapur in *Radha Krishna Temple* but she has changed her statement recorded under Section 164 of the Cr.P.C. the version as stated in the statement recorded under Section 161 of the Cr.P.C. has stated that when she was in Class-IXth, the petitioner used to threaten her and once he entered her house and made video and started blackmailing her. She has further stated that on his pressure, she made her age as 18 years by changing her Aadhaar Card and on 28.07.2023 she went with him and performed marriage on 01.08.2023 in Radha Krishna Temple at Maner. It is further submitted that the victim was not forced or seduced to illicit relationship with any another



person. It is further submitted that as per the medical report of the victim, it appears that the age of the victim is approximately between 14-16 years, since no spermatozoa seen in vaginal swab, there is no sign of resistance or injury on any part of the body or private parts. Sexual assault cannot be confirmed. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.08.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has submitted that the petitioner kidnapped the minor daughter of the informant aged about 13 years and forcibly performed marriage with the victim.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody and medical report does not support the allegation made in the F.I.R, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII-cum-Exclusive Special Court, POCSO Act, Patna in connection with Maner P.S. Case No. 555 of 2023 with further condition:-



(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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