

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25566 of 2024

Arising Out of PS. Case No.-78 Year-2021 Thana- DANIYAWAN District- Patna

Hira Yadav @ Navlesh @ Ram Chandra Singh, S/o Raj Ballav Yadav @ Ballav @ Balram Singh, R/o Village - Sikandarpur, PS Khusrupur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 41551 of 2024

Arising Out of PS. Case No.-78 Year-2021 Thana- DANIYAWAN District- Patna

Raju Gope @ Raju Kumar, Son of Ram Pravesh Yadav, Resident of Village -Sikandarpur, P.S.-Daniyawana, District -Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Birendra Prasad, Son of Rambabu Prasad, R/o Village- Barbatta, P.S.- Daniyawana, District- Patna.

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 25566 of 2024)
For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 41551 of 2024)
For the Petitioner/s : Mr. Shashi Kant, Advocate
Mr. Surendra Kumar Mishra, Advocate
Mr. Madan Mohan Ray, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-07-2024 1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Daniyawana P.S. Case no. 78 of 2021 registered under sections 363, 365 and 34 of the Indian Penal Code.



3. As per the prosecution case, the informant states that his 12 year old daughter who used to go to the coaching centre to study did not return and was not to be found inspite of search. It is further stated that he was told by the co-villagers that she was seen going on a Tata Magic vehicle along with the two petitioners herein. The informant states that he is convinced that she has been taken away by the accused persons.

4. Learned counsel for the petitioner Hira Yadav submits that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement was recorded under section 164 of the Cr.P.C. wherein she has categorically stated about being in love and having gone on her own with co-accused Raju Gope. She further states that on learning about the occurrence she returned and stayed at the house of Raju's friend ie Hira Yadav who got her to the police station. No occurrence has taken with her. The petitioner is in custody since 10.12.2023 and charge has been framed against the petitioner in the learned trial Court on 22.6.2024, certified copy of which is produced in the Court and taken on record.

5. Learned counsel for the petitioner Raju Gope submits that the earlier prayer for bail of the petitioner was rejected vide order dated 29.11.2023 passed in Cr. Misc.



no.73857 of 2023 giving liberty to the petitioner to renew his prayer for bail after framing of charge. Referring to the order of the learned trial Court rejecting the application for bail of the petitioner, it is submitted that charge has been framed in the learned Court below. The petitioner is in custody since 23.8.2023.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the contents of the statement of the victim under section 164 of the Cr.P.C., no harm having been inflicted on her, the petitioners being in custody since 10.12.2023 and 23.8.2023 respectively and charge having been framed in the learned trial Court against both the petitioners, it is directed that the petitioner namely Hira Yada @ Navlesh @ Ram Chandra Singh, in Cr. Misc. no. 25566 of 2024, be enlarged on bail in connection with Daniyawan P.S. Case no.78 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 Chief Judicial Magistrate Ist, Patna City, Patna and the petitioner namely Raju Gope @ Raju Kumar, in Cr. Misc. no.41551 of 2024, be



enlarged on bail in connection with Daniyawar P.S. Case no.78 of 2021 [Special (POCSO) Case no.34 of 2024] 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 VIIth-cum-Special Judge POCSO, Patna.

(Partha Sarthy, J)

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