

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28548 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- NAUHATTA District- Saharsa

Ratnesh Yadav @ Ratnesh Kumar Son of Upendra Yadav Resident of Village-
Bhagwanpur, Ward No. 05, P.S. Saur Bazar (Baijnathpur O.P.) District-
Saharsa, Bihar, Pin Code- 852221

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Nawhatta P.S. Case No. 190 of 2023, registered for the offences punishable under Sections 363, 366(A), 376(3) of the IPC and section 4 of the POCSO Act, 2012.

3. As per allegation, the daughter of the informant went missing. The informant along with his family members went to search for her but she was not found. Rs. 1,47,000/- was missing from box, kept in his house. Further, the informant suspected that some unknown persons enticed away his daughter.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is a person of clean antecedent. He has submitted further that the victim is a major. In her medical examination, she was found between 18-20 years and the informant who is father of the victim stated the age of the victim as 21 years in his *fardbeyan*. He has also submitted that the entries in school certificate of class-V of the victim cannot be relied upon because it was not corroborated by the Headmaster, who was examined in the court below. The Headmaster stated that no record was available in his school, relating to date of birth of the victim. In these circumstances, the age of the victim, determined by the Medical Board, should be given priority on the date entered into the certificate of class-V of the victim.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that as per entries in the school certificate, the victim was minor on the date of occurrence.

6. As per medical report, the age of the victim has been determined between 18-20 years. The informant himself stated the age of the victim as 21 years. The Headmaster of the school states that there is no existence in the School in relation



to date of birth of the victim. It appears that the victim went according to her own sweet will with the petitioner and co-accused.

7. Considering the above-mentioned facts and circumstances as well as clean antecedent, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO at Saharsa in connection with Nawhatta P.S. Case No. 190 of 2023 as well as Special Case No. 79 of 2023, subject to the following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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