

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32127 of 2024

Arising Out of PS. Case No.-07 Year-2024 Thana- MAHILA P.S. District- Bhojpur

Chandan Yadav @ Chandra Kant Yadav Son of Madan Rai Resident of
Village- Dumariya, P.S- Gidha (O.P.Koilwar), Dist- Bhojpur

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Upendra Kumar Singh Son of Late Bachcha Singh Resident of Village-
Mohkampur, P.S.- Gidha, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Samrendra Jha, learned counsel for the

petitioner and Mr. Mithilesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.02.2024 in connection with Mahila P.S. Case No. 7 of 2024,
F.I.R. dated 02.02.2024 for the offences punishable under
Sections 363, 376D of the Indian Penal Code, Section 27 of the
Arms Act and Section 8 and 12 of POCSO Act but correction
has been made in the F.I.R vide order dated 03.02.2024 and it
has been lodged under Sections 363, 376DA of IPC, Section 27
of Arms Act and Section 6 of POCSO Act.

3. According to prosecution case, some miscreants



named in the F.I.R., abducted the daughter of the informant and later the informant found her unconscious in an agricultural field.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet on 20.03.2024 and not sent up trial to the petitioner and thereafter, the learned court below has taken cognizance vide order dated 21.03.2024. He further submits that the statement of the victim has recorded under Section 164 Cr.P.C. in which she has not stated anything about the petitioner and apart from that similarly situated, co-accused, namely, Dhiraj Yadav and Vishal Yadav has been granted bail by this Court vide order dated 20.07.2024 passed in Cr. Misc. No. 36294 of 2024 and Criminal Misc. No. 36425 of 2024 respectively. The petitioner is in custody since 04.02.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, the other co-accused persons namely, Dhiraj yadav and Vishal Yadav have been granted bail by this Court and the police after investigation has submitted the final form in favour of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum Special Judge, POCSO, Bhojpur at Ara in connection with Mahila P.S. Case No. 7 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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