

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35165 of 2024

Arising Out of PS. Case No.-180 Year-2022 Thana- SULTANGANJ District- Bhagalpur

JAYLAL YADAV @ PRANAV KUMAR SON OF BARUN YADAV
RESIDENT OF VILLAGE - RAMPUR, P.S. - SULTANGANJ, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Sultanganj P.S. Case No. 180 of 2022 registered under Sections 363, 366A, 504, 506 and 34 of the Indian Penal Code and Section 8 of the POCSO Act lodged on 12.06.2022 by the informant, Kishore Rai.

3. As per the prosecution story, the informant alleged that his daughter became traceless and later came to know that she has been taken away by the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that they were in relationship, married and now blessed with a son. Further submission is that the girl appeared and made a statement under Section 164 of the Cr.P.C. to this effect that she



wanted to live with her husband. He has taken this Court to the order dated 30.01.2024 by the POCSO Court to show that the girl had appeared and informed the Court that she do not want to go to her parent's home. She is aged about 18 years.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that as per the order of the POCSO Court, the report was unavailable but considering the birth certificate, her age is 17 and ½ years on the date of occurrence.

6. Taking into account the aforesaid submissions as also the statement of the victim girl made under Section 164 of the Cr.P.C. that they have married and blessed with a son, the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. However, if it is found contrary to the statement made by the learned counsel for the petitioner that the girl has made statement under section 164 of the Cr.P.C. as recorded above, is incorrect, the order shall become infructuous.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned ADJ 7th cum Special Judge, POCSO Court, Bhagalpur in connection with Sultanganj Case NO. 180 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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