

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33166 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- RAMNAGAR District- West Champaran

Gopi Yadav Son of Kolai Yadav Resident of village - Murila, Police Station -
Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. B.N. Mishra
		Mr. Brij Kishor Mishra, Advocates
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

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

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ramnagar P.S. Case No. 509 of 2023 dated 04.11.2023
registered for the offences punishable under Sections 363, 365
of the I.P.C. and Section 4 of the POCSO Act.

3. As per the prosecution case, unknown miscreants
are alleged to have kidnapped the minor daughter of the
informant.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case and most importantly, the FIR is against unknown. It is
submitted that the petitioner is not named in the F.I.R. and there



is no specific allegation against him. The victim, in her statement under Sections 161 and 164 CrPC, has stated that she was taken to Jammu by the co-accused, Jhulan and she was forced to eat intoxicated biscuits by the co-accused, Rajan, Jhulan and the petitioner which made her unconscious and as soon as she got her consciousness, she found herself lying with Jhulan. The only allegation against the petitioner is that he along with other co-accused persons offered the victim the intoxicated biscuits which made her unconscious but *prima facie*, it seems to be improbable as the victim did not raise any alarm while she was being taken to Jammu. Learned counsel further submits that there is nothing on record which shows that the victim was forced to have illicit intercourse with any person. Learned counsel next submits that the petitioner is in custody since 04.03.2024 and he has three criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner submitting that the petitioner is involved in kidnapping of a minor girl.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, 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 Additional District & Sessions Judge-cum-Special Judge (POCSO), Bettiah, District-West Champaran in connection with Ramnagar P.S. Case No. 509 of 2023 with the following 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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