

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36294 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MAHILA P.S. District- Bhojpur

Dhiraj Yadav Son of Baliram Yadav Village- Dumariya, P.S.- Koilwar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 36425 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MAHILA P.S. District- Bhojpur

Vishal Yadav @ Vishal Kumar S/o Hareram Yadav @ Hareram Yadwa R/o
vill - Jhumana, P.S. - Koilwar, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 36294 of 2024)
For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
For the Informant : Mr. Shiv Pd. Singh, Advocate
(In CRIMINAL MISCELLANEOUS No. 36425 of 2024)
For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP
For the Informant : Mr. Shiv Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2024 Heard Mr. Manoj Kumar, learned counsel for the

petitioner, Mr. Shiv Pd. Singh, learned counsel appearing on

behalf of the informant as well as Mr. Chandra Bhushan Prasad,

learned Additional Public Prosecutor for the State in Cr. Misc.

No. 36294 of 2024 and Mr. Prabhat Kumar Singh, learned

counsel for the petitioner, Mr. Shiv Pd. Singh, learned counsel



appearing on behalf of the informant as well as Ms. Sharda Kumari, learned APP for the State in Cr. Misc. No. 36425 of 2024.

2. Petitioners seek bail where petitioner no. 1 is in custody since 12.02.2024 and petitioner no. 2 is in custody since 02.02.2024 in connection with Mahila P.S. Case No. 07 of 2024, F.I.R. dated 02.02.2024 for the offences punishable under Sections 363 and 376D of the Indian Penal Code, Sections 8 and 12 of the POCSO Act and Section 27 of the Arms Act and later on Section 376 D-A of the Indian Penal Code and Section 6 of the POCSO Act were added.

3. According to prosecution case, all the accused persons including these petitioners have kidnapped the minor daughter of the informant. It is further alleged the daughter of the informant was found 2 km away from her house in an unconscious state.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have 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 petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is serious allegation against



the petitioners and the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has supported the case of the prosecution and thereafter, on the request of the petitioners the statement of the victim under Section 164 of the Cr.P.C. was again recorded in which she has categorically stated that no such occurrence has taken place and on the instance of her father the present false case has been instituted. He further submits that the police has submitted a final form on 20.03.2024 and not sent up the petitioners for trial and the Trial Court differing with the report of the police has taken cognizance against the petitioners vide order dated 21.03.2024. The petitioner no. 1 is in custody since 12.02.2024 and petitioner no. 2 is in custody since 02.02.2024

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 petitioners and submits that the victim is minor and the petitioners are influenced persons.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Additional District Judge-VI-cum-Special Judge
POCSO, Bhojpur at Ara in connection with Mahila P.S. Case
No. 07 of 2024, subject to the following conditions:-

- i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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