

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34814 of 2024

Arising Out of PS. Case No.-621 Year-2023 Thana- SAUR BAZAR District- Saharsa

Surendra Kumar @ Sulendra Kumar, S/o Manoj Yadav, Resident of Village-
Sirrahi Ward No-4, P.S.- Sonbarsa Raj, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjan Kumar Yadav, son of Late Tarni Yadav, Resident of village- Bhavtiya
P.S.- Saur Bazar, Dist- Saharsa

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-07-2024 Heard Mr. Amarnath Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Saur Bazar P.S. Case No. 621 of 2023,
corresponding to Special POCSO Case No. 07 of 2024,
registered for the offences punishable under Sections 363, 365
of the Indian Penal Code. Later on, charge-sheet has been
submitted for the offences under Sections 363, 365, 366A, 120B
of the I.P.C. and Section 12 of the Protection of Children from
Sexual Offences Act (hereinafter referred to as ‘the POCSO
Act’).

3. Based upon the written report, the prosecution



alleges that on 03.10.2023, at about 9 'o' Clock, the informant along with her daughter went to retire on bed to their respective rooms. In the morning, the informant found that her daughter was missing. Despite sincere search her whereabouts could not be found. Her mobile phone was also found switched off.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against the unknown persons, however, during the course of investigation, it transpired that the victim was in-touch with the petitioner and in between 01.10.2023 to 04.10.2023, both the victim and the petitioner had made call to each other on various occasions. Barring the call details, there is no material suggesting the complicity of the petitioner in the crime, neither the victim was lastly seen with the petitioner nor any incriminating material has come suggesting the petitioner is involved in the crime. The case dairy also suggests that the victim had made some call to one Rahul Kumar and, as such, only on account of the call details, keeping the petitioner behind the bar is not justified. The victim found missing from the morning of 04.10.2023, but the FIR has been instituted on 11.10.2023, which also makes the prosecution case doubtful. Till date, the victim has not been recovered and only on the basis of call details, the petitioner has been kept in



custody since 11.11.2023. It is also contended that the police after investigation, submitted charge-sheet by adding Section 366(A) and 120 B of the Indian Penal Code as well as Section 12 of the POCSO Act.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, it has come that the petitioner had been in good relationship with the victim and just prior to her disappearance, both the petitioner and the victim talked to each other on several occasions.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that only on the basis of call details, the petitioner has been implicated in the present case and there is no other material nor any witness on the point of last seen. The petitioner is a man of fair antecedent, has been incarcerated in judicial custody for over a period of eight months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa in connection with Saur Bazar P.S. Case No. 621 of 2023, corresponding to Special POCSO



Case No. 07 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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