

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44550 of 2024

Arising Out of PS. Case No.-34 Year-2021 Thana- RUPAULI District- Purnia

Subodh Yadav Son Of Sri Upendra Yadav Village- Dharamkanta, Dhobgidha,
P.S.- Rupauli, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Ram Son Of Lukho Ram Village- Dharmkanta, P.S.- Rupauli, Distt.-
Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Ms. Usha Kumari 1, APP
For the Informant	:	Mr. Sumit Kumar Bhagat, Advocate
		Mr. Rajeev Kumar Ambastha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 67 of 2024 arising out of Rupauli P.S. Case
No. 34 of 2021 instituted for the offence under Sections 363,
366(A) of the Indian Penal Code and Sections 4 & 6 of the
POCSO Act and Section 3(1)(r)(s) of the SC/ST Act.

3. As per prosecution case, allegation against the
petitioner is of abducting the minor daughter of the informant
for the purpose of marriage.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 24-07-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is inordinate delay of three days in lodging of the FIR. Learned counsel submits that medical report of the victim girl does not support the prosecution case and also cast a shadow on the story propounded by the informant in *fardbeyan*. Referring to the statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that victim herself has clearly stated that she at her own volition went with the petitioner firstly to Katihar, where they have performed marriage and subsequently to Delhi. She has very specifically deposed that her father has lodged this case only to implicate the petitioner herein. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim is aged about 17-19 years, which fact finds mention at paragraph No. 110 of the case diary.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, perusing the 164 Cr.P.C. statement of the victim and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special POCSO Case No. 67 of 2024 arising out of Rupauli P.S. Case No. 34 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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