

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45931 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- CHAND District- Kaimur (Bhabua)

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1. Pankaj Yadav Son Of Moti Yadav Resident Of Vill- Lasari, P.S.- Chand, District- Kaimur At Bhabua.
 2. Neeraj Yadav Son Of Bhola Yadav Resident Of Vill- Lasari, P.S.- Chand, District- Kaimur At Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Pujan Yadav Son of Late Bhairam Yadav Resident of Village- Barav, P.O and P.S- Chand, Dist- Kaimur at Babhua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
POCSO Case No. 17 of 2024 arising out of Chand P.S. Case No.
221 of 2023 dated 16.11.2023, lodged under Sections 366,
366(A), 120(B), 376(D) and 34 of the I.P.C. read with Section 6
of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons and not against the
present petitioners with allegation that the named accused
persons have kidnapped the daughter of informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that during investigation, name of the petitioners have figured in this case and they have been arrested. He further submits that statement of victim recorded under Section 164 of Cr.P.C. has been attached and in the statement before the Magistrate, victim has not disclosed the name of the petitioners about commission of the crime against her. He further submits that petitioner no. 1 is in custody since 06.01.2024, whereas petitioner no. 2 is in custody since 05.01.2024, both having clean antecedent. He further submits that one co-accused Nandlal Yadav has been granted bail by this Court vide order dated 03.05.2024 passed in Cr. Misc. No. 18455 of 2024.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that in the case diary, in statement recorded under Section 164 of Cr.P.C., the victim has disclosed the name of three accused persons including the present petitioners.

6. Upon perusal of the case diary, it transpires to this Court that the statement of A.P.P. is absolutely correct that victim has made allegation against three accused persons under Section 164 of Cr.P.C., two petitioners and one Nandlal Yadav. From perusal of the medical report, it transpires that no sexual

assault has been made with her and in her statement recorded under Section 164 of Cr.P.C., she has not disclosed anything against anyone.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabhua in connection with POCSO Case No. 17 of 2024 arising out of Chand P.S. Case No. 221 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or

promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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