

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52035 of 2024

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

Rahul Kumar Son of Anil Yadav VILLAGE- AMRITA, WARD NO. 3, P.S.-
SONBARSA, DISTT.- SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RANJAN KUMAR YADAV SON OF ANIL YADAV R/V- AMRITA,
WARD NO. 3, P.S.- SONBARSA, DISTT.- SAHARSA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Kumar
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-08-2024 Heard 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 of the I.P.C. and Section 12 of 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. 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. The petitioner has clean antecedents and he is in custody since 11.11.2023.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Court, Saharsa in connection with Sour Bazar P.S. Case No. 621 of 2023 / Special POCSO Case No. 7 of 2024.

8. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the petitioner.

9. It is very surprising that police had not made any serious efforts for recovery of the victim girl as she is still missing in a case of the year 2023.

10. The Superintendent of Police, Saharsa is directed to form a special team to trace and recover the victim girl within



four weeks from today.

11. If the victim girl is not recovered before the next date of hearing then the Superintendent of Police, Saharsa will virtually appear in the Court to assit this Court on the next date of hearing.

12. Let a copy of this order be communicated to the Superintendent of Police, Saharsa through FAX for its compliance. The learned APP for the State will also inform the Superintendent of Police, Saharsa about the order of this Court.

13. List this case after five weeks.

(Sandeep Kumar, J)

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