

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60552 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- TRIVENIGANJ District- Supaul

Sandeep Yadav @ Sandeep Kumar S/O Ratan Yadav R/O Village- Mirjaba,
Ps. Triveniganj, Dist. Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 366(A), 368/34, 120(B), 366, 376 of the Indian Penal Code and Sections 4/6, 17 of POCSO Act.

Allegation against the petitioner and other co-accused persons is that they abducted the minor daughter of the informant. It is further alleged that when informant called him on mobile and asked about his daughter, he told that his daughter/victim was with him and he has solemnized



marriage with her.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is inordinate delay of 9 days in lodging the F.I.R. Victim was recovered and she has recorded her statement before the police under Section 161 of Cr.P.C. as well as before the Judicial Magistrate under Section 164 of Cr.P.C. and there is major contradiction between both the statements. She has stated in her statement recorded under Section 161 of Cr.P.C. that petitioner has committed wrong with her and he has confined her in a room in Delhi. But, in her statement recorded under Section 164 of Cr.P.C., she has not whispered about commission of physical wrong and misbehave to her by the petitioner. From perusal of the medical report, it is mentioned that 'No spermatozoa found either living or dead'. Moreover, the petitioner has suo-motto surrendered before the Court on 08.02.2023 and since then he is languishing in judicial custody. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail, **after framing of charge, if not framed**, in connection with Triveniganj P.S. Case No. 494 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, Exclusive POCSO, Supaul.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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