

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64688 of 2024

Arising Out of PS. Case No.-105 Year-2021 Thana- JHAJHA District- Jamui

Basuki Yadav Son of Late Prabhu Yadav Resident of Village- Bhikho, P.S.-
Jha Jha, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ruchi Mandal, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 105 of 2021 dated 12.04.2021 registered for the
offences punishable under Sections 452, 342, 323, 354B, 380,
366A and 506/34 of the I.P.C.

3. As per the prosecution case, on 10.04.2021 at about
12.00 P.M., the informant along with her family members was
sleeping in her house, in the meantime, some persons having
deadly weapons in their hands, forcibly entered her house.
When her husband protested, the accused persons tied hands of
the informant and her husband with the rope and took Rs.
5,00,000/- which was kept by her after selling her land and



silver *jewer* of 20 *bhar* from the box. In the said occurrence, the co-accused persons Dhiro Yadav, Naresh Yadav, Bipin Yadav, Romotar Yadav and Basuki Yadav and six unknown persons were involved. When the informant raised *hulla*, the accused persons kidnapped her minor daughter and took her from the *Scorpio vehicle* and threatened her if she would go to anyone then they would kill her daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is land dispute between the parties. It is further submitted that the alleged occurrence took place on 10.04.2021 as to when the F.I.R. has been lodged on 12.04.2021 after a lapse of two days for which no explanation has been given by the prosecution. There is general and omnibus allegation against the petitioner and others. There is no specific allegation against the petitioner. It is further submitted that the victim has already lodged Jhajha P.S. Case No. 404 of 2020 on 24.11.2020 for the offences punishable under Sections 341, 323, 376, 506 of the I.P.C. and Section 4 of the POCSO Act against the co-accused Dhiro Yadav. It is further submitted that during the course of investigation, it has come that the co-accused Dhiro Yadav had kidnapped the victim girl



and kept her at unknown place and the victim girl regularly talked with her parents on Mobile No. 8114512341. The real fact is that the co-accused Dhiro Yadav kidnapped the victim girl and has committed rape on her. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that she loves the co-accused Dhiraj Yadav and on 21.04.2024 when she attained the age of 18 years, she performed marriage with the co-accused Dhiraj Yadav in *Surat*. She further stated that no one has kidnapped her. In the said statement, she has not named the petitioner. The petitioner is the co-villager of the co-accused Dhiro Yadav and on that basis he has been made accused in the present case. The petitioner has not been put on T.I. Parade till date so that the informant could identify the real culprit of the alleged offence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.06.2024. The co-accused has been granted regular bail by this Court vide order dated 22.08.2024 passed in Cr. Misc. No. 45157 of 2024.

5. Learned A.P.P. for the State has opposed the prayer



for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Jamui in connection with Jhajha P.S. Case No. 105 of 2021.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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