

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69312 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Gidhaur District- Jamui

Sunil Yadav Son Of Dharendra Yadav R/O Vill- Maura, Ps- Gidhaur, Dist-
Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi Wife Of Ram Naresh Yadav R/O Vill- Maura, Ps- Gidhaur, Dist-
Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s	:	Ms. Renu Kumari, APP
For the O.P. No.2	:	Mr. Ugranath Mallik, Adv.

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

ORAL ORDER

3 04-12-2024 Heard Mr. Sanjay Kumar Singh, learned counsel for
the petitioner and Ms. Renu Kumari, learned APP for the State
as also counsel for the O.P. No.2. Perused the case diary.

2. The petitioner seeks bail in connection with Gidhaur
P.S. Case No. 43 of 2024 instituted for the offences under
Sections 363/366(A)/34 of the Indian Penal Code and Section
04/08 of the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of abducting the
minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the date of occurrence is 18.05.2024 but, the F.I.R. was lodged on 23.05.2024 without there being any plausible explanation for such an inordinate delay in filing the same. The petitioner and the victim girl have surrendered before the Laxmipur police station in the district of Jamui and, in her statement recorded under Section 161 Cr.P.C., the victim girl has stated her age as 16 ½ years and has further disclosed about there being love affair with the petitioner since one year and both of them left home as per their own will for the purpose of solemnizing marriage. She has also stated that she was not kidnapped. In the statement made under Section 164 Cr.P.C., the victim girl has also not made any allegation of any overt act against the petitioner. The I.O. after completion of investigation has submitted charge-sheet under Sections 363/366(A)/376 of the I.P.C. and Section 4 of the POCSO Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.05.2024 without any rhyme or reason.

5. Learned A.P.P. for the State and Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl is minor and the allegation made against the petitioner is serious in nature and, hence, he does not



deserve bail.

6. Considering the entire facts and circumstances of the case and the fact that the statement of the victim girl made under Sections 161 and 164 Cr.P.C. do not support the prosecution case as well as the period of custody of the petitioner, let the petitioner, abovenamed, 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 Gidhaur P.S. Case No. 43 of 2024.

(Rudra Prakash Mishra, J)

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