

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77724 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- MAIGRA District- Gaya

Yugesh Kumar @ Yugesh Kumar Yadav @ Yogesh Kumar Yadav S/O
Mukesh Yadav Resident Of Village-Bagpur, P.S- Maigra, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Kumar
For the Informant	:	Mr. Ajay Kumar Sinha
For the State	:	Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 02-08-2024 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 302, 376, 120(B), 363, 366(A), 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

The prosecution case relates to abduction of the 15 years old minor daughter of the informant by co-accused Yogendra Bharti and thereafter committed murder of the victim girl. It is alleged against the petitioner that he talked twenty times on mobile from



co-accused Yogendra Bharti.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. From perusal of the F.I.R itself, it is quite apparent that at the time of occurrence, the petitioner was residing at Chennai to work as a daily wage worker. The informant himself stated that on 15.06.2022, he saw co-accused Yogendra Bharti fleeing away with his daughter on motorcycle but F.I.R was instituted on 17.06.2022 after inordinate delay of two days without explaining the delay. The petitioner has been implicated on mere suspicion and confessional statement of co-accused Yogendra Bharti which has no evidentiary value in the eye of law. There is nothing on record except confession of co-accused to substantiate the prosecution case as against the petitioner. The petitioner is languishing in custody since 27.06.2022 and he has got no criminal antecedent. Moreover, similarly situated other accused person has already been



enlarged on bail by this Court vide order dated 20.06.2023 passed in Cr. Misc. No. 64734 of 2022.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, as well as period under custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with POCSO Case No. 76 of 2022, arising out of Maigra P.S. Case No. 26 of 2022, subject to the conditions (i) that one of the bailors shall be close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond



with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

(iii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of bail bonds of the petitioner.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

