

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74650 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Mithilesh Yadav, aged about 22 years, Male Son of Late Rambriksh Yadav,
Resident of Village-Saramohanpur, P.S.-Darbhanga Sadar, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sagir Sah, Son of Hafiz Sah, Resident of Village +P.O. Chhapki Parari,
P.S. Darbhanga Sadar, District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Darbhanga Sadar PS Case No. 133 of 2021 instituted for the
offences punishable under Sections 363 and 366 of the Indian
Penal Code and later on Sections 363, 366(A) and 376 (9) (N)
of the IPC and Sections 4/6 of the POCSO Act.

3. As per the prosecution case, the informant's
daughter was abducted by the petitioner/accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has



falsely been implicated in this case due to love affairs between the parties. He further submits that the victim girl is major aged about 19 years. It is next submitted that during course of medical treatment, the victim girl was refused for general examination and also refused for age determination. During the course of investigation the Investigating Officer submitted chargesheet under various sections of the IPC and POCSO Act.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.

6. From perusal of the FIR, case diary, Statement of the victim under Section 164 of the Cr.P.C. and impugned order of the learned Exclusive Special Judge (POCSO Act), Darbhanga dated 08.09.2023, it appears that petitioner is named in the FIR. The informant is the father of the victim. Victim has been recovered by the police and she has stated that the petitioner took her at Delhi, where he solemnized marriage with her and when she came at Darbhanga then the police arrested her. She has specifically stated in the Statement under Section 164 of the Cr.P.C. that petitioner living with the victim for about two years and she also admitted in her statement under Section 161 of the Cr.P.C. that she has married with the petitioner and she has also came at the festival of Chhat, where the police



caught her from J.P. Chowk, Darbhanga. Petitioner is in custody since 16.11.2022, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Darbhanga Sadar PS Case No. 133 of 2021.

(Ramesh Chand Malviya, J)

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