

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6198 of 2024**

Arising Out of PS. Case No.-1 Year-2023 Thana- MARAUNA District- Supaul

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Baidyanath Yadav @ Vaidyanath Yadav @ Vidyanath Yadav, aged about 40 years, gender-Male, Son of Late Shivlal Yadav, Resident of village-Parikonch, Ward No. 12, P.S. Marauna, Dist. Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Nagendra Kumar Singh, Advocate   |
| For the Opposite Party/s | : | Mr. Nand Kumar, APP                  |
| For the informant        | : | Mr. Prafull Chandra Thakur, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      12-07-2024                      Heard Mr. Amar Nath Yadav, learned counsel appearing on behalf of the petitioner; Mr. Nand Kumar, learned APP for the State and Mr. Prafull Chandra Thakur, learned counsel for the informant.

2. Petitioner, who is in custody since 15.10.2023, seeks regular bail in connection with Marauna P.S. Case No. 01 of 2023 registered for offences punishable under Sections 341, 342, 323, 376, 366A, 379, 504, 506, 509, 120(B), 34 of the Indian Penal Code and Sections 8, 6 and 20 of the POCSO Act.

3. As per the allegation made in the FIR, accused persons named therein including the petitioner, had outraged the modesty of the complainant-informant. Specific allegation of establishing sexual relationship is against co-accused Sanjay



Kumar Yadav.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Petitioner is agnate of main accused, namely, Sanjay Kumar Yadav. He further submits that petitioner is willingly living along with the main accused Sanjay Kumar Yadav after solemnizing the marriage with him. Petitioner has clean antecedent and he is in custody since 15.10.2023. On these grounds, petitioner seeks to be released on regular bail.

5. Learned counsel appearing on behalf of the informant submits that a counter affidavit has been filed on behalf of the informant, stating therein that she is willingly living along with the main accused namely, Sanjay Kumar Yadav, after solemnizing the marriage with him and she don't want to take any further legal step.

6. Considering the aforesaid information given on behalf of informant, I find that petitioner should not face further unnecessary prosecution and in such circumstances, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned ADJ VI-cum-Spl. Judge, POCSO Court, Supaul in connection with Marauna P.S. Case No. 01 of 2023 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

**(Purnendu Singh, J)**

Niraj/-

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