

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40775 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- BIHPUR District- Bhagalpur

Nitish Kumar Yadav Son Of Sanjay Yadav Resident Of Village - Ganaul
Narayanpur, P.S. - Bhawanipur O.P, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate Mr. Md. Ghulam Mustafa, Advocate Mr. Deepak Kumar, Advocate Mr. Padmanabh Kumar, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

7 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 420, 467, 468 and 471 of the Indian Penal Code and Section 4 of POCSO Act.

3. The case of the prosecution is that the petitioner has kidnapped the minor daughter of the informant in night. When the informant went to enquire about it, he said that he did not know anything.

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



falsely been implicated in this case. During course of investigation, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she stated that on 28.03.2023 this petitioner took her away. It has further been stated by this victim that she was in talking terms with this petitioner and this fact was known to her mother. It is further stated that by her that petitioner took her to Punjab by train and from there took her to Haryana. Victim stated that petitioner established physical relationship with her and they were going to solemnize court marriage and then their family members came to know about this. From perusal of the statement of the victim, it is clear that she has gone with the petitioner though it has been stated that he took away but there was no resistance from the victim. She was taken by train but she did not raise alarm and regarding physical relation, she also does not state that it was forceful it seems to be a adolescence affair outside marriage. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bihpur (Bhawanipur O.P.) P.S. Case No. 183 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur.

(Ashok Kumar Pandey, J)

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