

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41709 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- MAHILA P.S. District- Banka

Girdhari Yadav @ Sattan Yadav S/o Sanju Yadav @ Bhim Yadav R/o Vill -
Navadih, P.S. - Anandpur (Chandan), Dist. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumari D/O Late Kameshwar Yadav R/O Village Nanadih, P.S.
Chandan, Distt-Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 23-01-2025 Heard learned counsel for the petitioner and Mr.
Humayou Ahmad Khan, learned APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 376, 363 and 506 of the
Indian Penal Code and Section 4 of the POCSO Act.

3. The case of the prosecution is that the informant was
sleeping with her mother on a cot. At 11:00 P.M., Girdhari Yadav
(petitioner) entered in the house, covered her eyes and put
handkerchief in her mouth. After that he took her to Deoghar on a
bike threatening her of dire consequences. He then took her to
Kolkata by train and kept her in a house, established physical
relationship with her. When the social pressure was put on the
petitioner, he brought the victim back on 23.11.2023.



4. Learned counsel appearing on behalf of the petitioner has submitted that the occurrence is of 12.11.2023, whereas the FIR has been lodged on 28.12.2023. There is a delay in filing of the FIR. During course of investigation, the victim was recovered. She has given her statement under Section 164 Cr.P.C. wherein she has supported the FIR and has stated that the petitioner took her to Kolkata and put her there for a month. It is further alleged that the petitioner established forceful physical relationship with her. When she cried, she was being threatened of dire consequences. From the prosecution story itself it is clear that the victim was sleeping on the same cot with her mother and even her mother could not know about the occurrence before 28.12.2023 whereas from perusal of the FIR itself it is clear that the victim was left at Navadih by the petitioner on 23.11.2023. The victim has further stated in her statement that the petitioner put her in a room at Kolkata for a month whereas from the FIR itself it is clear that after 11 days of the occurrence she was left to Navadih. Learned counsel further submits that there is dispute between the parties. The petitioner is a man of clean antecedent. The petitioner is in custody since 09.02.2024.

5. The application for bail is opposed by learned APP for the State.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge-6-cum-Special Judge POCSO Act, Banka in connection with Banka Mahila P.S. Case No. 32 of 2023.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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