

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85684 of 2024

Arising out of PS. Case No.-120 Year-2023 Thana- BASOPATTI District- Madhubani

Satish Kumar Yadav, S/o- Ram Sufal Yadav R/o village - Arghawa, P.S.- Ba-
sopatti , District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Kumar Yadav, S/o- Ram Swarth Yadav, Village- Kataiya, PS- Beni-
patti Dist-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party No. 2:	:	Md. Soban Asghar, Advocate
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-07-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prose-
cutor for the state.

2. The petitioner seeks bail in a case instituted for the
offences under Sections 363, 366, 323, 341, 504 and 379/34
IPC and later on Sections 376 and 366(A) IPC and Sections 4/5
of POCSO Act. He has no criminal antecedent.

3. As per the prosecution case, the marriage of Indal
Kumari @ Sabita was solemnized at village Katiya with infor-
mant's brother and subsequently it is alleged that the petitioner,
Satish Kumar Yadav enticed the said Indal Kumari @ Sabita,



who fled along with the petitioner and took ornaments worth Rs. 3,00,000/- and cash Rs. 20,000/-. It is further alleged that the petitioner has kidnapped the sister--in-law of the informant for the purposes of marriage.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no allegation under Sections 363 and 366A IPC is made out. It is further submitted by learned counsel for the petitioner that the victim under Section 161 Cr.P.C. as well as 164 Cr.P.C. has stated that she has solemnized marriage out of her own freewill with the petitioner and living as husband and wife. It is also submitted by learned counsel for the petitioner that the victim in her statement recorded under Section 164 Cr.P.C. has denied the factum of kidnapping and has also stated that she wants to live with the petitioner. It is lastly submitted that the petitioner has clean antecedent and is in custody since 23.09.2024.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and have submitted that there is subsequent allegation against the petitioner to have kidnapped the sister-in-law (Bhabhi) of the informant as such the petitioner should not be released on bail.



6. Considering the aforesaid submissions of learned counsel and taking into account the period of custody as well as the statement of the victim recorded under Section 164 Cr.P.C., the petitioner above named, is directed to be released 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO/Court concerned, Madhubani in connection with Basopatti P.S. Case No. 120 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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