

In the Court of Addl. Sessions Judge-VI-cum-Spl. Judge POCSO, Act, Patna.

At Present:- Awadhesh Kumar,
Addl. Session Judge-VI-cum-
Spl. Judge POCSO, Act, Patna.

Spl. (POCSO) Case No. 209A of 2018, arising out of **Bakhtiyarpur P.S. Case No. 513 of 2018**, registered under Section **323, 341, 307, 385, 365, 427, 354/34** of IPC and Section **12** of POCSO Act.

Name of Petitioner:- Guddu Kumar @ Guddu Kumar Yadav, aged about 22 years, S/o Mahasay Yadav @ Upendra Kumar, Village Nayatola, Bariyarpur, P.S. Bakhtiyarpur, Dist-Patna.

Counsel for the petitioner: Mr. Akhilesh Kumar, Ld. Advocate.

Counsel for the State: Mr. Suresh Chandra Prasad, Ld. Spl. P.P.

Date of Order: 18.06.2021.

Order

1. This bail petition has been filed on behalf of the accused petitioner, namely, Guddu Kumar @ Guddu Kumar Yadav, aged about 22 years, S/o Mahasay Yadav @ Upendra Kumar, Village Nayatola, Bariyarpur, P.S. Bakhtiyarpur, Dist-Patna, who is under custody since 12.04.2021, in connection with **Spl. (POCSO) Case No. 209A of 2018**, arising out of **Bakhtiyarpur P.S. Case No. 513 of 2018**, registered under Section **323, 341, 307, 385, 365, 427, 354/34** of IPC and Section **12** of POCSO Act.

2. Heard the learned counsel for the petitioner and learned Spl. P.P. for the State.

3. The prosecution case shows that there is repeated occurrence by the accused persons against the family members of the informant.

4. **Firstly :-** On 10.07.2018 at about 08:30 pm, accused Bhajan Yadav & Guddu Kumar Yadav given threatening to the driver of the informant to told the family member of the informant for ransom of Rs.50,000/-, otherwise stop his business of transport. Due to late night, driver informed to the wife of

the owner regarding occurrence in the morning. Later on, informant informed the matter to her husband & son. On query, accused persons abused to the husband of the informant & his son.

5. **Secondly**, on 11.10.2018, at about 09:00 am, accused Bhajan Yadav, Guddu Kumar Yadav, Monu Kumar & Dinanath Rai along with other some persons entered in the house of the informant after breaking the door. They have assaulted the daughter of informant by catching her hair. She was aged about 17 years. Accused persons wanted to know about the father & brother of the victim girl. In the mean time, mother of victim (informant) came & made alarm. Some persons residing at nearby were assembled there, then after, accused persons after abusing & giving threatening, fled away. Informant has given information about this occurrence to her husband & sons, they were working at Bakhtiyarpur.

6. The **third** phase of occurrence is that when the husband of the informant along with son came at the house near about twelve O'Clock, accused person suddenly came at the house of the informant and started abusing & assaulting. Accused persons have made firing, any how, family member of informant closed the door of the house and saved themselves. Accused persons damaged the Scorpio vehicle of the informant. Local persons assembled there. Informant and her family member given information to the police on phone. Police reached there, then after, informant & her family member opened her door and came out side the house. They made apprehension that accused persons kidnapped their driver.

7. It is alleged that earlier, accused persons had made attempt to murder of her husband and in that very occurrence, her husband had received eight fire arms injury on his person and whose treatment was made at Govt. & private hospital, and any how, his life was saved.

8. The learned counsel appearing on behalf of the accused has submitted that petitioner has committed no offence, he has been falsely implicated in this case due to enmity. So, it has been prayed that this accused

may kindly be enlarged on bail.

9. On the other hand learned counsel appearing on behalf of the State has vehemently opposed the prayer for bail of this petitioner.

10. It appears from the case record that repeated occurrence was done by the accused person against the family members of the informant as mentioned in the FIR, earlier, the husband of the informant sustained 08 fire arms injury on his body due to occurrence done by the inimical terms with the other side.

11. Earlier, bail application of this accused, namely, Guddu Kumar @ Guddu Kumar Yadav is rejected by the Hon'ble court vide Cr. Misc. No.-49753/2019. After perusal of the order of the Hon'ble Court, it appears that accused has also criminal history. The anticipatory bail application of the accused was rejected by the Hon'ble court on 08.08.2019, but in spite of that accused has not surrendered before the court. Its shows that accused is not law abiding citizen.

12. When accused arrested in the case of Bihar P.S. Case No.-208/2021 at Nalanda District, then production warrant issued on 05.04.2021 and accused was remanded in this case on 12.04.2021.

13. Considering the nature of this case, nature of allegation and inimical terms with the husband of the informant to do any type of occurrence by the other side, I am not in opinion to release the accused-petitioner on bail. Hence, the prayer for bail to the petitioner, namely, **Guddu Kumar @ Guddu Kumar Yadav** is hereby **rejected**.

(Dictated)

(Awadhesh Kumar)
Addl. Sessions Judge-VI
-cum- Spl. Judge POCSO, Act,
Patna.
Dated: 18.06.2021