

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40238 of 2017

Arising Out of PS.Case No. -171 Year- 2015 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Govind Yadav, S/o Dhanpat Yadav, R/o Uma Tola, P.S.- Thakaraha District- West Champaran.
2. Munna Yadav, S/o Baidyanath Yadav, R/o Village- Parasahi, P.S.- Baruapatti, District- Kushinagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Thakraha P.S. Case No. 171 of 2015 instituted for the offence under Sections-376/34 of the Indian Penal Code and 4 of POCSO Act.

It has been submitted that there was love affairs between petitioner No. 1 and the victim girl. The instant case has been filed by mother of the victim girl alleging that both these petitioners took her minor daughter in sugarcane field and committed rape with her.

Counsel for petitioners has submitted that the petitioner No. 1 and the victim girl have performed marriage, in support whereof, they have filed affidavit of Notary to be annexed as Annexure-2 series. Counsel for petitioners has further submitted that subsequent to this case, another case has been filed for the occurrence of 04-12-2015



bearing Thakraha P.S. Case No. 186 of 2015 by the same informant making almost similar allegation that both these petitioners kidnapped her daughter. In Thakraha P.S. Case No. 186 of 2015, the victim girl has given statement u/S 164 of the Cr.P.C. wherein she has stated that she has performed marriage with petitioner No. 1. The statement of victim girl recorded u/S 164 of the Cr. P.C. in Thakraha P.S. Case No. 186 of 2016 along with FIR of that case has been enclosed as Annexure-3.

The case diary has been received.

The learned APP has submitted that the victim girl has given statement u/S 164 of the Cr.P.C. in the instant case which is available in the case diary wherein she has supported the case.

The victim girl was examined medically in the instant case wherein the doctor has found her major and no sign of rape was found.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Thakraha P.S. Case No. 171 of 2015 to the satisfaction of Additional District & Sessions Judge-I, Bagaha, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable



property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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