

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46118 of 2018**

Arising Out of PS.Case No. -28 Year- 2017 Thana -KATORIA District- BANKA

- =====
1. Sunil Yadav @ Sunil Kumar, S/o Dukhan Yadav, R/o Vill.- Sihuliya, P.S.- Katoriya, District- Banka.
  2. Chandu Yadav, S/o Aklu Yadav, R/o Vill.- Simrakura, P.S.- Banka, District- Banka.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Singh, Sr. Advocate  
Mr. Ajay Mukherjee, Advocate  
For the Opposite Party/s : Mr. Raj Ballabh, APP  
For the Informant : Mr. Nurul Hoda, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      27-09-2018                      Heard learned counsel for the petitioners and the State.

The petitioners seek bail in Katoria P.S. Case No. 28 of 2017 instituted for the offence under Sections 366(A)/34 of the Indian Penal Code, but charge sheet has been submitted under Sections 366(A), 120(B), 504, 376/34 of the Indian Penal Code and Section 12 of POCSO Act.

Counsel for the petitioners submits that daughter of the informant has sworn an affidavit that she voluntarily married with petitioner No. 1 in temple. Counsel for the petitioner further submits that on the basis of aforesaid affidavit, co-accused



Dukhan Yadav and Pramod Yadav @ Pramod Kumar have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 09.11.2017 passed in Cr. Misc. 52588 of 2017.

The victim girl has given statement under Section 164 Cr. P.C. wherein she has stated that she was forcibly kidnapped by petitioner No. 1 and co-accused Pramod Yadav. The statement of victim girl recorded under Section 164 Cr. P.C. is available in paragraph-31 of the case diary, from which, it appears that petitioner No. 1 took her to different places by bus and train and lived with him. She has stated her date of birth as 1.1.1999. As such, she is major.

Counsel for the petitioner further submits that there is no allegation of any specific overt act against petitioner No. 2 who is brother-in-law (*Bahnoi*) of petitioner No.1. Petitioners have voluntarily surrendered on 20.06.2018 and they are in custody since then.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka, in connection with Katoria P.S. Case No. 28 of



2017, subject to the condition that both the bailors will be the close relatives of the petitioners.

S.Ali/-

**(Sanjay Priya, J)**

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