

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2135 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- MAHILA P.S. District- Patna

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1. Valdev Rai @ Baldev Yadav, son of Shivchandra Rai, R/vill-Bariya,P.S-Gopalganj, Dist.-Patna.
 2. Nand Kumar, son of Valdev Rai, R/vill-Bariya,P.S-Gopalganj, Dist.-Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Shekhar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-02-2019 Petitioners seek bail in anticipation of their arrest in connection with Mahila P.S. Case No. 145 of 2018, corresponding to Special (POCSO) case No. 196 of 2018, registered for the offences punishable under Sections 376, 511, 504, 506, 509/34 of the Indian Penal Code and Sections 8/12 of POCSO Act.

Allegation as per FIR is that maternal uncle of the victim has tried to outrage her modesty by opening her pant and also he has committed some overt act and when she raised alarm, her maternal aunt came to rescue her and when informant threatened to lodge case the petitioners, who are father and brother-in-law of the accused Sonu Yadav, assaulted her.

Submission of learned counsel for the petitioners is



that there is no allegation against the petitioners of outraging her modesty and so far petitioner No.2 is concerned, there is absolutely no allegation against him.

Heard learned APP also, who has opposed the prayer for anticipatory bail of the petitioners.

Having heard both sides and in view of nature of allegation and also the case relates to POCSO Act, I am not inclined to grant privilege of anticipatory bail to the petitioners, rather they may surrender and make prayer for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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