

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53903 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- JOGAPATTI District- West Champaran

1. CHOKAT YADAV Son of Late Bhulai Yadav Resident of Village-Dhabelawa, Police Station-Yogapatti, District-West Champaran.
2. Janaki Devi Wife of Chokat Yadav Resident of Village-Dhabelawa, Police Station-Yogapatti, District-West Champaran.
3. Ramagya Yadav Son of Late Bhulai Yadav Resident of Village-Dhabelawa, Police Station-Yogapatti, District-West Champaran.
4. Badri Yadav Son of Late Bhulai Yadav Resident of Village-Dhabelawa, Police Station-Yogapatti, District-West Champaran.
5. Yogendra Yadav Son of Brahmdeo Yadav Resident of Village-Muzauna, Police Station-Nadi (Bagaha), District-West Champaran.
6. Ramawati Devi Wife of Yogendra Yadav Resident of Village-Muzauna, Police Station-Nadi (Bagaha), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A) of the Indian Penal Code and Section 4 of the POCSO Act registered in connection with Yogapatti P.S. Case No. 166 of 2019.

3. It is submitted that the petitioners have been falsely implicated and in any event the ingredients of the offences alleged are not made out against the petitioners who are merely said to have threatened to assault the informant when he went to complain to them about his missing daughter. The thrust of accusation of abduction is against co-accused Mukesh Yadav. The medical report of the so-called victim



discloses her age to be 19 years and hence the offences under Section 366(A) of the Indian Penal Code and the POCSO Act are not attracted. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 166 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner nos. 1, 3, 4 and 5 shall remain physically present in Court on each and every date during trial and the petitioner nos. 2 and 6 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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