

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78804 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- MASAUDHI District- Patna

1. Yadu Prasad Son of Kamlesh Prasad Resident of Village - Mayabigha, P.S. - Masaurhi, District - Patna.
2. Lalan Prasad Son of Barun Prasad Resident of Village - Mayabigha, P.S. - Masaurhi, District - Patna.
3. Chhatanki Prasad Son of Lalan Prasad Resident of Village - Mayabigha, P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for anticipatory bail apprehending their arrest in a case registered for the offence under sections 147, 148, 149, 448, 448, 379, 341, 323, 376(D) and 302 of the Indian Penal Code and section 6 of the POCSO Act.

As per the allegation in the FIR, when the informant had gone to leave his nephew he received a phone call about the 15 accused persons having entered his house and looting various articles. It is stated that on return he found the articles in his house having been ransacked and also saw his 15 years old daughter lying in the ground, dead. It is further stated that six accused persons amongst 15 named, had forcibly entered the



house, recorded the footage of video and had throttled his daughter after committing rape on her.

It is submitted by learned counsel for the petitioners that the investigation of the instant case was the subject matter of Cr.WJC No. 1201 of 2019 lodged by the informant wherein a counter affidavit was filed by the Senior Superintendent of Police, Patna categorically stating therein that in course of investigation it was revealed that on 23.03.2013 at about 2.30-3.00 hours the informant and his family members raised alarm shouting that the door of the victim's room is closed. Thereafter, the villagers arrived at the house of Sikandar. They saw the door was closed from inside. After breaking the door, they saw that the victim was hanging with ceiling rod with aid of plastic rope. A co-villager Ram Bachachan cut the rope and brought the body on surface, but she was found dead. It is further submitted by learned counsel for the petitioners that the case of the petitioners stands on similar footing to that of co-accused Sujit Prasad @Sujit Kumar and Ajit Prasad @Ajit Kumar who have been enlarged on bail by order dated 16.11.2019 (Annexure 3) passed in Cr. Misc. no. 51313 of 2019. Further the petitioners have no criminal antecedent.

The application for bail has been opposed by learned



APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioners on bail. The petitioners, above named, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with Special (POCSO) Case no. 55/2019 (arising out of Masaurhi P.S. Case No. 234 of 2019) are directed to be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Patna subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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