

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17262 of 2020**

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1. Yogendra Yadav @ Yagendra Yadav, son of Late Shivilal Yadav
2. Nilambar Yadav son of Yogendra Yadav @ Yagendra Yadav
3. Koshalya Devi @ Kaushalya Devi wife of Nilambar Yadav
all R/o village- Bandhar,P.S.- Hathauri, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-07-2020 Heard learned counsel for the petitioners and Mr.
Akhileshwar Dayal, learned APP for the State.

Petitioners in the present case are apprehending their arrest in connection with Mahila P.S. Case No. 10 of 2018 registered for the offences punishable under Sections 376, 506/34 of the Indian Penal Code, Section 4 of POCSO Act and Sections 67 and 67A of I. T. Act.

Learned counsel for the petitioners submits that these petitioners are grandfather, father and mother respectively of boy against whom the allegation was made by the informant that he had been involved in sexual abuse with the informant and had committed rape on her.

Learned counsel submits that in fact there is no allegation in the FIR that these petitioners had been instrumental either in helping the



boy in the alleged sexual abuse or at any point of time they had committed any act of abatement of the alleged offence, the only allegation against these petitioners is that when the complaint was made by the victim to these petitioners, they threatened the informant only.

Learned counsel submits that from Annexure '3' it would appear that the victim and the boy have married with each other, the boy has already been acquitted in course of trial and now the victim girl is living as daughter-in-law in the family.

Learned APP for the State submits that in the given facts and circumstances of the case since the marriage has already taken place between the victim girl and boy, this Court may take an appropriate view of the matter.

Having regard to the facts and circumstances of the case and finding that there is no allegation against the petitioners of helping the boy in commission of the alleged sexual assault as also that the boy and the victim girl have married with each other, this Court directs release of the petitioners above named on bail in case of their arrest or surrender within four weeks from today in connection with Mahila P.S. Case No. 10 of 2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Samastipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

