

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32575 of 2021

Arising Out of PS. Case No.-98 Year-2018 Thana- KATORIYA District- Banka

=====

YOGENDRA YADAV Son of Shailendra Yadav Resident of Village - Karda,
P.S.- Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61811 of 2021

Arising Out of PS. Case No.-98 Year-2018 Thana- KATORIYA District- Banka

=====

DIVAKAR KUMAR@ DIVAKAR YADAV SON OF SHAILENDRA
YADAV RESIDENT OF VILLAGE- KARDA, P.S. KATORIA, DISTRICT-
BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71449 of 2021

Arising Out of PS. Case No.-98 Year-2018 Thana- KATORIYA District- Banka

=====

NARESH YADAV S/o Titu Yadav R/o village- Jagatraydih, P.S.-
Chandramundih, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32575 of 2021)

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 61811 of 2021)

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

(In CRIMINAL MISCELLANEOUS No. 71449 of 2021)

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

=====



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutors for the State.

Since all these three bail applications arise out of same P.S. case, they are being heard and decided by a common order.

Petitioners seek regular bail in connection with Katoriya PS Case No. 98/2018 registered for the offence punishable under Sections 376, 302 and 120B of the IPC and Section 4 & 6 of the POCSO Act.

As per First Information Report, three daughters of the informant have been killed by the petitioners and other accused persons after committing rape.

Learned counsel for the petitioners submit that the petitioners have not committed any offence in the manner alleged and they have been made accused on the basis of suspicion as well as on the basis of confessional statement of co-accused persons, namely, Dinesh Yadav, Kamli Devi and Ashok Yadav. Learned counsel further submit that except confessional statement no other material has been collected by the police during course of investigation to connect the petitioners with the present offence. They next submit that co-



accused persons, namely, Dinesh Yadav (*vide* Cr. Misc. No. 38506/2019), Kamli Devi (*vide* Cr. Misc. No. 7309/2019), Ashok Yadav (*vide* Cr. Misc. No. 11057/2019), Bhairo Singh (*vide* Cr. Misc. No. 8746/2019) and Karu Kora (*vide* Cr. Misc. No. 1991/2019) have been granted bail by the Co-ordinate Benches of this Court.

On the other hand, learned Additional Public Prosecutors, referring to the case diary, submit that the sniffer dogs reached near the house of co-accused Kamli Devi and her son which indicates that they were involved in the present offence.

Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioners subject to the conditions that (1) both the bailors shall be residents of territorial jurisdiction of the court concerned and (2) petitioners will be well represented on each and every date in the trial and if they fail to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioners namely, YOGENDRA YADAV (CR. MISC. No. 32575 of 2021), DIVAKAR KUMAR@DIVAKAR YADAV (CR. MISC. No. 61811 of 2021) and NARESH



YADAV (CR. MISC. No. 71449 of 2021) be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, (POCSO), Banka in connection with Katoriya PS Case No. 98/2018.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

