

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29014 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- BANDHUWA KURAWA District- Banka

1. SHANKAR YADAV SON OF JOGENDRA YADAV R/O VILLAGE-NARYATARI, P.S.- BANDHUWA KURAWA, DISTRICT- BANKA
2. YOGENDRA YADAV SON OF MANGU YADAV R/O VILLAGE-NARYATARI, P.S.- BANDHUWA KURAWA, DISTRICT- BANKA
3. DAIWANTI DEVI WIFE OF YOGENDRA YADAV R/O VILLAGE-NARYATARI, P.S.- BANDHUWA KURAWA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Mishra
		Mr.Md. Nurul Hoda
For the Opposite Party/s :		Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-09-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 366A, 376 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

It is submitted on behalf of petitioners that specific accusation of kidnapping and committing rape is against co-accused Nitish Kumar, who is already in judicial custody, and petitioners have been made accused in this case because petitioner no. 1 is brother, petitioner no. 2 is father and petitioner no. 3 is mother of co-accused Nitish Kumar. The victim girl, in her statement recorded under Section 164 Cr.P.C.,



has specifically stated that co-accused Nitish Kumar kidnapped her and thereafter, committed rape upon her and she has not alleged anything against these petitioners. Petitioners have got clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI cum Special Judge (POCSO), Banka in connection with Bandhuwa Kurawa P.S. Case No. 49 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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