

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18122 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- MAINATAND District- West Champaran

1. Sonelal Pandit @ Sonalal Pandit S/O Teju Pandit R/O Village- Babhanauli, P.S- Mainatand, Distt.- West Champaran(Bettiah).
2. Bhagelu Yadav S/O Late Nathuni Yadav R/O Village- Babhanauli, P.S- Mainatand, Distt.- West Champaran(Bettiah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Mainatand P.S. Case No. 42 of 2021 registered under sections 377, 504 and 506 of the Indian Penal Code, Sections 4 and 8 of the POCSO Act and Sections 3(i)(w)(v) of the SC/ST (POA) Act.

Allegation against the co-accused person, namely, Rajesh Yadav is that he committed unnatural offence with the informant's son (victim). It is further alleged against these petitioners is that they caught hold the hand and legs of the victim.



Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that the main allegation for committing unnatural offence with the victim is against co-accused Rajesh Yadav not against these petitioners. The only allegation against the petitioners is that they caught hold the hand and leg of the victim at the time of offence. It is also submitted that during investigation, the informant has declined the prosecution case through Affidavit before Investigating Officer which is annexed in this case diary. There is no eye witness of the alleged occurrence. Nothing consistent material came against the petitioners. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 13.01.2023.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that the victim is minor at the time of commission of unnatural offence with him.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge



the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Mainatand P.S. Case No. 42 of 2021 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 District and Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran, Bettiah.

(Sunil Kumar Panwar, J)

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