

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36449 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- MAHILA P.S. District- Siwan

-
-
1. NITISH YADAV SON OF SURENDRA YADAV R/O VILLAGE-PANCHBANIYA, P.S.- AASHAW, DISTRICT- SIWAN
 2. BILMLESH YADAV SON OF BIDHYACHAL YADAV R/O VILLAGE-PANCHBANIYA, P.S.- AASHAW, DISTRICT- SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nirmala Devi W/o Jayshree Chauhan, R/o Panchbaniya, P.S.Aashaw, Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 29-04-2023 Heard the learned counsel for the petitioners and

learned APP for the State.

This is an application for regular bail on behalf of the petitioners for the offences alleged under Section 376(DA) of the Indian Penal Code and Section 4/6 of the of the POCSO Act, registered in connection with Siwan Mahila P.S.Case No. 29 of 2021.

As per allegation, the daughter of the informant became traceless from 8th of June, 2021. Thereafter, the son of the informant received a telephonic message from co-accused Ranjit Yadav that he should take her sister from Mukti Dham. When the son of the informant along with one Ramakant Chauhan went there, they saw co-accused Ranjit Yadav, Pramod Chauhan, Nitish Yadav and Vimlesh Yadav, who were present there. Having seen the son of the informant, they started fleeing



away. The daughter of the informant was found there in unconscious state and they brought her to their house.

The learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in this case. He has submitted further that after lodging this case, the informant lodged another case being Asaon P.S.Case No.105 of 2021, in which the informant has stated that co-accused Ranjit Yadav wanted to marry her daughter and he threatened her to withdraw the earlier case. He has also submitted that in Asaon P.S.Case No. 105 of 2021, the statement of the victim under Section 164 of the Cr.P.C. was recorded, in which she has stated that she was in love and affection with co-accused Ranjit Yadav. She wanted to marry him, but her family members were protesting. Prior to the alleged occurrence also, she had gone with Ranjit Yadav. When she returned to her house, her family members assaulted her. It is next submitted that the statement of the victim under Section 164 of the Cr.P.C. recorded in the present case is only on the pressure of her family members and in subsequent case, she has retracted from her earlier version and has categorically stated that she has love and affection with co-accused Ranjit Yadav and her family members used to assault her.



Considering the above facts and circumstances, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Siwan in connection with Mahila P.S.Case No. 29 of 2021 (POCSO Trial No.38 of 2021), subject to the following conditions:-

1. The petitioners shall cooperate in the disposal of trial and make available available as and when required by the court.
2. If the petitioners is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

HR/-

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

