

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47962 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

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1. Avinash Kumar Son Of Shambhu Yadav Resident Of Village Bhatoriya, Ps Nathnagar, (MADHUSUNDANPUR), District- Bhagalpur
 2. Shambhu Yadav Son Of Tarni Yadav Resident Of Village Bhatoriya, Ps Nathnagar, (MADHUSUNDANPUR), District- Bhagalpur
 3. Yugal Yadav Son Of Tarni Yadav Resident Of Village Bhatoriya, Ps Nathnagar, (MADHUSUNDANPUR), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 504, 506, 34 of the Indian Penal Code and Sections 4, 6 of the POCSO Act.

3. As per the prosecution case, informant alleged that co-accused Mithun Kumar raped his minor daughter forcefully. When victim told her family, petitioners threatened her and abused her family.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that



there is no specific overt act against the petitioners. There is specific overt act against co-accused Mithun Kumar. Petitioners no. 1, 3 and 4 have no criminal antecedent and petitioner no. 2 has two criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bhagalpur Mahila P.S. Case No.43 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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