

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48164 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- DHARHARA District- Munger

1. UDAY YADAV SON OF LATE WAKIL YADAV VILLAGE MAHARANA PS DHRHARA, DISTRICT- MUNGER
2. JHUNIYA DEVI @ JHUNO DEVI WIFE OF UDAY YADAV VILLAGE MAHARANA PS DHRHARA, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 2 08-08-2023 1. Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioners and learned A.P.P. for the State.
3. The petitioners have preferred this application for grant of regular bail in connection with Dharhara P.S. Case No. 79 of 2022 dated 13.05.2022. registered for the offences punishable u/s 341, 448, 366A, 379, 504, 506 of the Indian Penal Code and later on cognizance has been taken under Section 8 of the POCSO Act.
4. As per the prosecution case, all the FIR named accused persons including the petitioner entered the house of the



informant and on the point of pistol they robbed Rs. 1,50,000/- in cash and ornaments. They also kidnapped the minor daughter of the informant.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The other co-accused person has already been granted bail by the co-ordinate bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 252 of 2023. Learned counsel further submitted that the statement of the victim was recorded under Section 164 of Cr.P.C. wherein, she has stated that the co-accused Shukhen Kumar @ Patori attempted several times to commit rape on her after sprinkling obnoxious material, due to that the victim became senseless. The petitioners have clean criminal antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 22.02.2023 whereas the petitioner no. 2 is in custody since 02.03.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that the victim is a minor girl.



7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Munger in connection with Dharhara P.S. Case No. 79 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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