

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51187 of 2022

Arising Out of PS. Case No.-53 Year-2017 Thana- KURTHA District- Jehanabad

1. KIRAN DEVI Wife of Manoj Yadav Resident of village - Maheshpur, P.S.- Khiri More, District - Patna.
2. Manoj Yadav Son of Bali Yadav Resident of village - Maheshpur, P.S.- Khiri More, District - Patna.
3. Akali Devi Wife of Ramjanam Yadav Resident of village - Jhari Bigha, P.S.- Kurtha, District - Arwal.
4. Ramjanam Yadav Son of Nanhu Yadav Resident of village - Jhari Bigha, P.S.- Kurtha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath,Advocate

For the Opposite Party/s : Mr.Rajiv Nayan,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with POCSO Case No. 2 of 2018 arising out of Kurtha P.S. Case No. 53 of 2017 for the offence registered under Sections 366(A) and 34 of the Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution story, allegation is that with the help of these petitioners, who are related to the accused, Om Prakash Yadav, the daughter of the informant was taken away for the purpose of marriage. Accordingly, the FIR was lodged.



Learned counsel for the petitioners submit that petitioner no. 2, Manoj Yadav is the cousin brother of Om Prakash Yadav while the petitioner no. 1 is the wife, the petitioner no. 3 and 4 are the in-laws of the petitioner no. 2, Manoj Yadav, who have been implicated merely because the petitioner no. 2 is related to the Om Prakash Yadav.

The further submission is that the victim girl subsequently, appeared and gave statement under Section 164 of the Cr.P.C stating that she was in love with the accused, Om Prakash Yadav and later, they married in a temple and thereafter also in a Court at Pali. The last submission is that the couple is blessed with a two children.

Taking into account the aforesaid development that has taken place, the victim girl and the accused Om Prakash Yadav have since married and the Section 164 of the Cr.P.C supports the said theory and as per the submission of the learned counsel for the petitioners, the couple is blessed with two children, these petitioners who are only related to the accused Om Prakash Yadav, this Court is inclined to grant them relief.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-Cum-Special Judge, POCSO, Jehanabad in connection with POCSO Case No. 2/018 arising out of Kurtha P.S. Case No. 53/017 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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