

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58800 of 2023

Arising Out of PS. Case No.-342 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Neha Kumari daughter of Labru Yadav @ Anil Yadav
 2. Archana Devi wife of Labru Yadav @ Anil Yadav
- Both are resident of Village- Bhasti, PS- Sonbarsa, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-12-2023 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioners and Mr. Ashok Kumar Singh, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Saharsa Sadar P.S.Case No.342 of 2023, registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 8 of POCSO Act, 2012.

3. As per the allegation made in the FIR, minor daughter of the informant went missing since 26.05.2023 and in course of the search, the informant reached at the house of the petitioners, where the informant was assaulted by all the accused persons named in the FIR. Further allegation is of kidnapping of minor daughter of the informant.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1 is sister of co-accused Bambam Yadav @ Bambam Kumar, against whom the allegation of alleged kidnapping has been made by the informant. Petitioner no.2 is mother of co-accused, Bambam Yadav @ Bambam Kumar. Learned counsel further submitted that the petitioners have no concern with the alleged kidnapping of the minor daughter of the informant and till date, the victim girl has not been recovered. Now the son of the petitioner no.2 has returned. Petitioners have clean antecedent and on this ground, they seek to be released on pre-arrest bail.

5. Mr. Ajit Kumar, learned APP appearing on behalf of the State submitted that the complicity of the petitioners can not be denied.

6. Having considered the rival submissions made on behalf of the parties as well as the allegation made in the FIR, it appears that the brother of the petitioner no.1 and son of petitioner no.2 had went missing along with the daughter of the informant, petitioners have pleaded their innocence and on perusal of the case diary, it appears that the minuscule evidence has been collected against the petitioners in course of the investigation and as would appear from paragraph no.50 of the



case diary that the petitioners are not co-operating in the investigation. That being the case. I am of *prima facie* opinion that the petitioners have made out a case to be released on bail, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ Vith Saharsa cum Special Judge, POCSO, Saharsa in connection with Saharsa Sadar P.S.Case No.342 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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