

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56960 of 2023

Arising Out of PS. Case No.-970 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Bipin Yadav @ Bipin Kumar @ Vipin Yadav S/O Bishandeo Yadav R/O Village- Maheshkhor, Ps. Sanokhar, Dist. Bhagalpur
2. Dil Kush Kumar @ Prashant Kumar @ Dil Khush Kumar S/O Bipin Yadav R/O Village- Maheshkhor, Ps. Sanokhar, Dist. Bhagalpur
3. Janki Devi W/O Bipin Yadav R/O Village- Maheshkhor, Ps. Sanokhar, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Dhananjay Kumar Gupta, learned counsel
for the petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Kahalgaon P.S. Case No.970 of 2022, registered for the offences punishable under Sections 376, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegedly, co-accused Ankit Kumar, who happens to be son of petitioner nos.1 and 3 and the brother of petitioner no.2, after enticing the minor daughter of the informant took her away and established physical relationship and thereafter on



instigation of the petitioners ousted her from their house.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR, it would be evident that the occurrence is said to be occurred in the month of November, 2021, but surprisingly, the FIR has been instituted on 21.09.2022 and no plausible explanation for such delay has been leveled. He further submits that the thrust of the accusation has been leveled against co-accused Ankit Kumar and the petitioners being parents and brother of the said co-accused their names have been implicated in this case only to pressurize the entire family. He next submits that during the course of investigation the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that on account of love affair she voluntarily left the house along with Ankit Kumar and started residing with him at New Delhi, however, as the petitioners have not allowed them to reside in their house they started residing in a rented house. From the statement of the victim, it appears that no allegation has been leveled against the petitioners constituting any offence as alleged in the FIR. He lastly submits that the petitioners are persons of fair antecedent.

5. On the other hand learned APP for the State



vehemently opposes the bail application and submits that the victim is a minor and she was taken away by the son of the petitioner nos. 1 and 3 and moreover petitioner no.2 is brother of co-accused Ankit Kumar and their complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the statement of the victim recorded under Section 164 of Cr.P.C., 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 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 the learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO Court, Bhagalpur in connection with Kahalgaon P.S. Case No.970 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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