

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69923 of 2022

Arising Out of PS. Case No.-2064 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. SEEMA DEVI Wife of Neeraj Prasad @ Neeraj Prasad Yadav R/V-
Maharani Panduho, P.S- Mohammadpur, Dist- Gopalganj
 2. Neeraj Yadav @ Neeraj Prasad Rai @ Neeraj Prasad Yadav Son of Paspas
Ray @ Pasapti Rai R/V- Maharani Panduho, P.S- Mohammadpur, Dist-
Gopalganj
 3. Yadav @ Arjun Rai @ Arjun Prasad Yadav Son of Late Laljee Rai R/V-
Maharani Panduho, P.S- Mohammadpur, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sona @ Sonia Devi Wife of Bharat Rai R/V- Maharani Panduho, P.S-
Mohammadpur, Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-01-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Protest-cum-Complaint Case No. C 2064/2019, giving rise to POCSO Complaint Case No.03/2022, arising out of Mohammadpur P.S. Case No.211/2018, registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in brief, is that on 05.11.2018 at about 11.00 p.m., Mahesh Rai, Pappu Rai and Pankaj Rai kidnapped the daughter of the complainant and took away in the



house of Arjun Rai and from where Arjun Rai took her away at Siwan and handed over her to Pappu Rai. Further, it is alleged that Pappu Rai alongwith other co-accused Mahesh Rai, Pankaj Rai, Lalti Devi took her away in the house of Neeraj Prasad Yadav (petitioner no.2) and Seems Devi (petitioner no.1) in Gaziabad. It is further alleged that they raped her on the pretext of marriage.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that after investigation, the police has submitted final form against the accused persons named in the FIR. The accused persons filed a petition under Sections 182 and 211 Cr.P.C. which was allowed and thereafter the informant filed a protest petition and on that basis the petitioners were made accused in the instant case. It is submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the facts aforesaid, let



petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned VIth Additional Sessions Judge-cum-Special Judge, POCSO, Gopalganj in connection with Protest-cum-Complaint Case No. C 2064/2019, giving rise to POCSO Complaint Case No.03/2022, arising out of Mohammadpur P.S. Case No.211 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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