

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16821 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- MAHILA PS District- Jamui

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1. Rohit Kumar @ Rohit Yadav Son of Bisheshar Yadav Resident of Vill.- Dumariatand, P.S.- Khaira, Dist.- Jamui
 2. Mithun Kumar @ Mithu Yadav Son of Bisheshar Yadav Resident of Vill.- Dumariatand, P.S.- Khaira, Dist.- Jamui
 3. Santosh Kumar @ Santosh Yadav Son of Shailendra Yadav Resident of Vill.- Dumariatand, P.S.- Khaira, Dist.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Manjhi Wife of Ganesh Manjhi, Resident of Vill.- Dumariatand, P.S.- Khaira, Dist.- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Akash Raj, the learned counsel for the

petitioners and Ms. Usha Kumari 1, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Jamui Mahila PS Case No. 60 of 2023, FIR

dated 05.08.2023, registered for the offences punishable under

Sections 366A, 496, 376 and 506 read with Section 34 of the

Indian Penal Code and under Sections 4 and 6 of the POCSO

Act and also under Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) and 3(2)

(va) of the SC/ST Act.



3. According to prosecution case, one Uchit Yadav along with two unknown persons kidnapped the minor daughter of the informant and forcefully solemnized marriage with her. It is further alleged that the petitioners, who happen to be the uncle of the accused person, abused the informant's daughter and by calling her caste name and ousted her from their house. It is further alleged that a Panchayati was also held but the accused persons refused to obey the same and threatened the victim and her family members with dire consequences, if they would lodge any case.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the petitioners are relative of the co-accused namely, Uchit Yadav. He further submits that upon perusal of the FIR, it appears that Uchit Yadav has committed wrong with the daughter of the informant and he has also performed the so-called marriage with victim girl. He lastly submits that the petitioners have no concern at all with the present occurrence and they have been made accused in the present case merely on the ground that the petitioners are family members of the co-accused person Uchit Yadav.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and they have been made accused in the present case merely on the ground that they are family members of the co-accused person namely, Uchit Yadav, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail 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 Judge-1st, Jamui, where the case is pending in connection with **Jamui Mahila PS Case No. 60 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.



(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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