

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20801 of 2024

Arising Out of PS. Case No.-686 Year-2023 Thana- DHAKA District- East Champaran

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1. Badari Kabari @Badari Miyan SON OF Mahid Kabari RESIDENT OF VILLAGE- RUPAULIA GOPI, PS- DHAKA (PACHPAKRI OP), DIST- EAST CHAMPARAN
 2. ALIYAS KABARI SON OF BADARI KABARI @ BADARI MIYAN RESIDENT OF VILLAGE- RUPAULIA GOPI, PS- DHAKA (PACHPAKRI OP), DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NANDKISHORE CHAUDHARY SON OF LATE HARIHAR CHAUDHARY RESIDENT OF VILLAGE- RUPAULIA GOPI, PS- DHAKA (PACHPAKRI OP), DIST- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sangeet Deokuliar
For the Opposite Party/s	:	Mr.Abhay Kumar
For the Informant	:	Kundan Rathore

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 01-07-2024 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

2. The petitioners are seeking regular bail in connection with Dhaka (Pachpakri O.P.) P.S. Case No. 686 of 2023, registered for the offences punishable under Sections 363, 366(A), 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per allegation, on 18.12.2023, the informant's daughter had gone to her neighbourhood on the occasion of *Haldi* but she did not return.

4. The learned counsel for the petitioners has



submitted that the victim has solemnized her marriage with co-accused Jabiullah Kbari and a marriage certificate has been issued to which the learned counsel for the informant and the learned counsel for the APP have opposed the prayer for bail and submitted that on the ground of marriage of the victim with the co-accused, the petitioner cannot be exonerated from the allegation, as the victim is a minor and her age is of 15 years.

5. Considering the above-mentioned facts and circumstances, and also considering that the petitioners is under custody since 28.12.2023, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Special Judge POCSO, East Champaran at Motihari in connection with Dhaka (Pachpakri O.P.) P.S. Case No. 686 of 2023, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

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