

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34064 of 2024**

Arising Out of PS. Case No.-32 Year-2023 Thana- KISHANPUR District- Supaul

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1. Kamal Yadav @ Kamlesh Yadav, Son of Domi Yadav Resident of Village - Khursaha, P.S- Andharamath, Dist- Madhubani
  2. Nazir Yadav @ Nageshvar Yadav, Son of Domi Yadav Resident of Village- Arrah, P.S- Karjain , Dist- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Yadav

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      14-05-2024                      1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 354(B), 376, 504, 506 and 34 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant being father and uncle of Saroj Kumar, who is alleged to have raped the informant.

4. It is further submitted that from perusal of the



allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence. It is further submitted that cousin sister of the informant was married to the cousin brother of Saroj Kumar, as such, Saroj Kumar and the informant were known to each other from before and were in a relationship, but the parents of Saroj Kumar were objecting to the said relationship, as such, the instant false case came to be instituted. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that this fact has been concealed by the informant that her cousin sister was married to the cousin brother of Saroj Kumar. It is also submitted that Saroj and the informant have performed their marriage and the case has been compromised. It is next submitted that absurdity of the allegation also manifests from the fact that informant alleges that while Saroj was committing rape, his uncle (petitioner no.2) along with others were also present there with firearms and supported Saroj Kumar in committing the occurrence.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/-  
(Rupees Ten Thousand) each with two sureties of the like  
amount each to the satisfaction of the learned A.D.J.-VI-cum-  
Special Judge, POCSO Act, Supaul in connection with  
Kishanpur P. S. Case No.32 of 2023, subject to the conditions  
laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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