

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46332 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- KATORIYA District- Banka

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1. Shrikant Yadav @ Srikant Yadav @ Shrikant Kumar Yadav @ Srikant Kumar, (Male, aged about 19 years), S/o Vijay Yadav, resident of village-Baniyakura, P.S.- Katoria, District-Banka.
 2. Vishnu Yadav @ Vishnudeo Yadav, Male, aged about 22 years, S/o Gulabi Yadav, R/o Village- Chchata Kurum, P.S.-Katoriya, District-Banka.

... .. Petitioners

Versus

1. The State of Bihar.
2. Aditi Singh, D/o Niraj Singh, aged about 17 years, under the guardianship and next friend namely Niraj Singh, father of informant, R/o Village Baniyakura, P.S.-Katoria, District-Banka.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Praveen Kumar, Advocate
For the State : Mr. Aditya Narayan Singh.1, A.P.P>

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Katoriya P.S. Case No. 82 of 2024 dated 24.04.2024 registered for the offences punishable under Sections 341, 323, 354B, 504 and 506/34 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 23.04.2024, when the informant was returning from the *Tilak Ceremony* of her friend's brother, the petitioners and the co-accused persons came and started molesting her and in that course, her clothes got torn.



Somehow, the informant started fleeing away from there but they also chased her and when she was near her house, on hulla, her family members came out of the house and apprehended some of the accused persons and some of the accused persons managed to escape from there. In that course, the motorcycle bearing Registration No. BR51E8308 of the accused was left near the informant's house.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the statement of the witness Abhimanyu Singh recorded in paragraph no. 53 of the case diary does not support the allegation of tearing of clothes of the informant. It is further submitted that as per the allegation made in the F.I.R., at best, a case under Sections 354A and 354D of the I.P.C. is made out which is bailable in nature and no offence under Section 354B of the I.P.C. is made out in the facts of the case as the clothes got torn while alleged molesting of the victim. The petitioner no. 2 is a student of Plus-II. The seized motorcycle in question belongs to the father of the co-accused Mithilesh Kumar Yadav. The other co-accused persons have already been granted bail by a Bench of this Court vide Cr. Misc. No. 41237 of 2024 under order dated 20.06.2024



and Cr. Misc. No. 40412 of 2024 under order dated 18.07.2024.
The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 25.04.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka in connection with Katoriya P.S. Case No. 82 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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