

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45031 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BARARI District- Katihar

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1. Sunita Devi Wife Of Late Lakho Yadav Resident Of Laxmipur, P.S. - Barari, District - Katihar
 2. Minu Devi Daughter Of Late Lakho Yadav Resident Of Laxmipur, P.S. - Barari, District - Katihar
 3. Mantu Kr. Sah @ Mantu Sah Son Of Kamleshwari Sah Resident Of Laxmipur, P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Moti Kumari Daughter Of Chhotelal Das Resident Of Chhoti Bhainsdira, P.S. - Barari, District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Binay Krishna, APP
Mr. Ajit Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party
No. 2.

2. The petitioners apprehend their arrest in connection
with Barari P.S. Case No. 11 of 2024 registered under Sections
363, 366A, 376, 323, 504, 354 of the Indian Penal Code,
Section 4 of the POCSO Act and Section 3(s)(2)(w) of SC/ST
Act.



3. As per prosecution case, specific accusation of commission of rape is against co-accused Milan Yadav. So far as these petitioners are concerned, they are only alleged to have abused informant and her family members by caste name.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Further submission is that it is not the case of the prosecution that the alleged incident took place within public view, as such, no offence under SC/ST Act is made out against these petitioners. Petitioners claim clean antecedent.

5. Learned counsels for the State and the opposite party No. 2 opposed the bail application.

6. Having considered the aforesaid facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-VII-cum-Special Judge, POCSO, Katihar in connection with Barari P.S. Case No. 11 of 2024, subject to the conditions as laid down under Section



438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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