

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70045 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- SHANKARPUR District- Madhepura

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1. Sarswati Devi W/O Ram Pravesh Yadav R/O Village- Madanpur, Ward No.- 15, P.S- Madhepura (O.P. Bharahi), Distt.- Madhepura.
 2. Ajay Kumar S/O Suresh Yadav R/O Village- Satber, P.S- Kopariya, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bisho Yadav @ Bisheshwar Yadav son of late Dharik Lal Yadav, R/O Jharkoha, P.O, Ward No. 14, P.S. Shankar Pur, District-Madhepura

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. In spite of valid service of notice and putting appearance on behalf of the informant by filing Vakalatnama, none is appeared on his behalf.

3. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366(A), 34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. Petitioners along with other accused persons are said to have kidnapped the minor daughter of the informant.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is specific allegation against co-



accused Dhananjay Yadav. He submits that the petitioner no. 1 is mother and petitioner no. 2 is the brother-in-law (Bahnoi) of the co-accused Dhananjay Yadav. He submits that occurrence took place on 20.10.2022 but the FIR has been lodged on 29.10.2022 after delay of 9 days without explaining any reasonable cause of delay. He submits that there is no specific overt act against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shankarpur P.S. Case No. 191 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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