

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77102 of 2024

Arising Out of PS. Case No.-467 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Manish kumar Son of Nand Kumar Yadav R/o Village- Rampur, Ward no. Ps- Murliganj, Dist- Madhepura
2. Kalpana Devi Wife of Nand Kumar Yadav R/o Village- Rampur, Ward no. Ps- Murliganj, Dist- Madhepura
3. Soni Kumari Daughter of Nand Kumar Yadav R/o Village- Rampur, Ward no. Ps- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Pappu Yadav Village- Rampur, Ward no.4 Ps- Murliganj, Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Murliganj P.S. Case No. 467 of 2023 dated 14.11.2023, instituted under Sections 366A/34 of the Indian Penal Code. Later on Sections 376 and 120(B) of the IPC and Sections 4/8 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act') were added.

3. The prosecution case, in short, is that the informant's daughter had gone to *Mela* but she did not return by 7:00 P.M. then the informant started searching her and came to



know that she has been enticed away by the accused persons.

4. Learned counsel for the petitioners submit that during investigation father of the petitioners has been arrested and the trial of the father of the petitioners was separated from the other accused persons. The informant has deposed that after ten days her daughter communicated her that she had met with her *Mausi* and without informing to the informant, she had gone to the house of her *Mausi*. This case has been lodged under misapprehension. The victim girl has also been examined in trial bearing POCSO Case No. 15/2024, arising out of Murliganj P.S. Case No. 467/2023. She has stated in her evidence that she had gone to see *Mela* with her mother and brother, but unfortunately she got estranged from them and she went to the house of her *Mausi*. Since the *Mela* was very crowded and she met her *Mausi* in that *Mela* resultantly, she could not inform to her parent and went along with her *Mausi*. This case was lodged by her mother. Her mother had a land dispute with Nand Kumar Yadav, so under misapprehension, she gave the name of accused Nand Kumar Yadav. The victim girl specifically stated that no one has molested her. On that basis, accused Nand Kumar Yadav was acquitted. Petitioners are son, wife and daughter of Nand Kumar Yadav respectively. It is next highlighted that



paragraph No.4 of the order dated 11-09-2024 passed by this Court in Cr. Misc. No. 59081 of 2024 (Annexure-4) falsify the prosecution case whereby the co-accused, namely, Munna Kumar and Vicky Kumar @ Bikky Kumar have been granted anticipatory bail. Lastly, it is submitted that the petitioners have no criminal antecedent.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of their arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-VI-cum- Special Judge, POCSO Act, Madhepura, in Murliganj P.S. Case No. 467 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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