

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70249 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BISFI District- Madhubani

1. Pawan Yadav, aged about 55 years (Male), Son of Musif Yadav, Resident of village - Jafra, P.S.- Patauna (Bisfi), District - Madhubani.
2. Manoj Yadav @ Manoj Kumar Yadav, aged about 42 years (Male), Son of Shiv Narayan Yadav, Resident of village - Dome, P.S.- Keoti, District - Darbhanga.

... .. Petitioners

Versus

1. The State of Bihar.
2. Sheela Devi, Wife of Jeebachh Mehra, Resident of village - Bajraha, P.S. O.P.- Patauna, District - Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioners	:	M/S. Gagan Deo Yadav and Rajesh Kumar, Advocates
For the State	:	Mrs. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bisfi P.S. Case No. 38 of 2024 dated 04.02.2024 registered for the offences punishable under Sections 363, 366A read with Section 34 of the I.P.C., Sections 8 and 12 of the POCSO Act and Sections 3(1)(r), 3(1)(s) of the SC/ST Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor



daughter of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the alleged occurrence took place on 12.06.2023 but the F.I.R. was lodged on 04.02.2024 after a much delay of eight months for which no satisfactory explanation has been given by the prosecution. The victim has been recovered and her statement has been recorded under Sections 161 and 164 of the Cr.P.C. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that there was love affair between her and the co-accused Raushan Yadav since for three years but one co-accused Ratan Yadav who is the friend of the co-accused Raushan Yadav wants to marry her but the same has been denied by her and due to that reason, the co-accused Ratan Yadav, Shree Narayan Yadav, Lakhendra Yadav and others threatened to kill her and on the alleged date and time of occurrence, when the victim was walking on the road, some accused persons kidnapped her and told to marry with the co-accused Ratan Yadav and the said Ratan Yadav took her to Delhi and kept in the house of his maternal uncle. Thereafter, the father of Ratan Yadav told the victim's family that if the victim lodged false case against



Raushan Yadav and his family members then he would return the victim. Thereafter, the victim has lodged the false case against the petitioners and the co-accused Raushan Yadav. The victim has also stated that the petitioners are innocent and they have not kidnapped her. It is further submitted that the petitioners have been made accused in this case only because the petitioner no. 1 is the cousin brother-in-law and the petitioner no. 2 is the brother-in-law of the co-accused Pradeep Yadav. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST is made out against the petitioners. They have no concern with the alleged offence. It is further submitted that the other co-accused persons Pradeep Yadav and Dilip Kumar Yadav @ Dilip Yadav have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 51199 of 2024 under order dated 12.08.2024. The petitioner no. 1 has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII, Madhubani in connection with Bisfi P.S. Case No. 38 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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