

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84217 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- MARAUNA District- Supaul

1. Mahakant Yadav, aged about 59 years, (Male), Son of Late Gajai Yadav
 2. Rajesh Yadav @ Ranjan Kumar, aged about 30 years, (Male), Son of Mahakant Yadav
- Both are Residents of Village- Parikonch, Ward No. 12, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Amar Nath Yadav, learned counsel appearing on behalf of the petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Marauna P.S. Case No. 01 of 2023 registered for the offence punishable under Sections 341, 342, 323, 376, 366A, 379, 504, 506, 509, 120(B), 34 of the Indian Penal Code and Sections 8, 6 and 20 of the Protection of Child from Sexual Offences Act (POCSO for short).

3. As per the allegation made in the FIR, accused persons named therein including the petitioners, who are father and son, have outraged the modesty of the complainant-



informant. Specific allegation of establishing sexual relationship is against co-accused Sanjay Kumar Yadav.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are father and son and have not committed any offence as alleged under Sections 8, 6 and 20 of the POCSO Act. Petitioner no. 1 is the father of petitioner no. 2 and the allegation of alleged outraging the modesty of informant is against accused Sanjay Kumar Yadav. Petitioner no. 1 being the father and the petitioner no. 2 against whom there is no allegation of alleged offence under Section 8, 6 and 20 of POCSO Act read with Section 366 (A) of the Indian Penal Code, deserve to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VI Cum Special Judge POCSO Court, Supaul, in connection with Marauna P.S. Case No. 01 of 2023, subject to the verification of relationship of



petitioners no. 1 and 2 whether they are father and son and other condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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