

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11302 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1. RADHEY SHYAM YADAV S/O RAM AWATAR YADAV R/O VILLAGE AND POST- SONDHI, PS- MOHANIYA, DISTRICT- KAIMUR BHABUA
2. Banarasi Yadav S/o Babban Yadav R/O VILLAGE AND POST- SONDHI, PS- MOHANIYA, DISTRICT- KAIMUR BHABUA

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Beauty Kumari D/o Abhishek Singh R/O VILLAGE AND POST- SONDHI, PS- MOHANIYA, DISTRICT- KAIMUR BHABUA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Pandey
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 12-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Mohaniya P.S. Case No. 344 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 354(B), 504 & 506 of the Indian Penal Code, Section 8 and 12 of the POCSO Act and section 27 of the Arms Act.

3. As per the prosecution story, on 10.06.2024, when the informant was returning back from hand-pump, some accused persons started teasing her and on protest, they tried to



take her away with intention to commit rape. It is further alleged that when father of the informant and other family members tried to save her, petitioners and other co-accused persons armed with iron rod, pistol started assaulting them. It is further alleged that petitioner no. 2 assaulted father of the informant over his head due to which his head got fractured.

4. Learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case. There is case and counter case between the parties. The allegation of assault against the petitioners are general and omnibus in nature. Petitioner no. 1 has clean antecedent whereas petitioner no. 2 has two criminal antecedents and in both cases he is on bail. Charge-sheet has already been submitted in this case. The petitioner no. 1 (Radhey Shyam Yadav) is in custody since 05.01.2025 whereas petitioner no. 2 (Banarasi Yadav) is in custody since 12.01.2025. In the case diary of Paragraphs 34 and 35, witnesses have stated previous land dispute between both the parties.

5. Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners.

6. Keeping in view the aforesaid facts and considering



the period under custody, let the petitioners, above named, be released on bail after framing of charge on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, POCSO Act-cum-ADJ-VI, Kaimur at Bhabua in connection with Mohaniya P.S. Case No. 344 of 2024, subject to the following conditions :-

- (i). One of the bailors should be close relative of the petitioners.
- (ii). Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, their bail bonds may be cancelled by the learned Trial Court.

(S. B. Pd. Singh, J)

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