

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29141 of 2025

Arising Out of PS. Case No.-387 Year-2024 Thana- TRIVENIGANJ District- Supaul

1. Sanjay Sardar S/O Pannelal Sardar Resident of Village- Yogiya Chaahi Ward No. 06, P.O- Kushaha Triveniganj, P.S- Triveniganj, District- Supaul.
2. Chhutahru Sardar S/O Sibbo Sardar Resident of Village- Yogiya Chaahi Ward No. 06, P.O- Kushaha Triveniganj, P.S- Triveniganj, District- Supaul.
3. Sushil Sardar S/O Chhabilal Sardar Resident of Village- Yogiya Chaahi Ward No. 06, P.O- Kushaha Triveniganj, P.S- Triveniganj, District- Supaul.
4. Rabeena Devi W/O Sanjay Sardar Resident of Village- Yogiya Chaahi Ward No. 06, P.O- Kushaha Triveniganj, P.S- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi W/O Uttam Lal Sardar R/O Village- Yogyachahi, Panchayat- Kushaha, Ward No. 6, P.S- Triveniganj, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 329(3), 351(2), 69, 3(5) of the Bharatiya Nyaya Sanhita and Sections 4, 6, 17 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, on 12.09.2024 at about 12:30 PM, while minor daughter of the informant was alone at home, co-accused Sonu Kumar, son of petitioner No. 1, entered the house and committed rape with her.



4. Learned counsel for the petitioners submits that Sections 329 and 351 of the Bharatiya Nyaya Sanhita are bailable and rest of the Sections in the present case are not applicable against petitioners, so petitioners deserve anticipatory bail. Petitioners claim clean antecedent.

5. However, learned A.P.P. for the State vehemently opposed the bail application and submitted that petitioners are named in the F.I.R. with specific accusation that they came armed with weapons, threatened informant on the point of pistol and forcibly took away co-accused Sonu Kumar from the place of occurrence who was caught red-handed by the informant and his family members. Victim in her statement recorded under Section 180 and 183 BNSS has supported the prosecution case and medical board has assessed her age to be 14-16 years.

6. Considering nature of accusation and gravity of the offence, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District Judge-VI, POCSO, Supaul in connection with Triveniganj P. S. Case No.



387 of 2024, subject to condition as laid down under Section
482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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