

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56364 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- BARACHATTI District- Gaya

1. SOMAR YADAV, SON OF LATE KARAN YADAV
2. ANITA DEVI @ MEENA DEVI, WIFE OF KAMLESH YADAV
Both are R/V- GANGUAR, P.S.- BARACHATTI, DISTT.- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. JANKI YADAV, SON OF DEVLAL YADAV R/V- VILLAGE- GANGUAR,
P.S. - BARACHATTI, DISTT.- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-01-2025 Heard Mr. Shivendra Prasad, learned counsel

 appearing on behalf of the petitioners and Mr. Rajiv Nayan

 learned APP for the State.

2. The petitioners seek regular bail in connection with

POCSO Case No.105 of 2024 arising out of Barachatti P.S. Case

No. 41 of 2024 for the offence punishable under Sections 366,

366A and 376/34 of the Indian Penal Code and Sections 4 and 6

of the POCSO Act.

3. As per the allegation made in the F.I.R., the

petitioner is said to have cooperated the co-accused Nitish

Kumar to forcibly marry with the minor daughter of the

informant.



4. Learned counsel appearing on behalf of the petitioner submitted that the victim in her statement recorded under Section 164 Cr.P.C. has not alleged that it is the petitioner who has committed any physical or sexual assault with her. He further submitted that admittedly specific allegation is against co-accused Nitish Kumar and he is in custody. Petitioner no.2 is mother of the co-accused Nitish Kumar and no allegation has been made against her or petitioner no.1 by the victim in her statement to the effect that they had forcibly kidnapped her. Petitioners have clean antecedent and they are in custody since 15.05.2024.

5. Learned A.P.P. for the State supported the argument advanced on behalf of the informant.

7. Having considered the rival submissions made on behalf of the parties, as well as, the observation of the District Court in respect of statement of the victim recorded under Section 164 Cr.P.C., I don't find there is any allegation of physical or sexual assault with the daughter of the informant against the petitioners, the only allegation against the petitioners is that they had cooperated the co-accused Nitish Kumar in forcibly marrying with the victim, *prima facie*, I am of the opinion that the petitioners have made out a case to be released



on bail.

8. The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with POCSO Case No.105 of 2024 arising out of Barachatti P.S. Case No. 41 of 2024, subject to the condition to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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