

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54399 of 2024**

Arising Out of PS. Case No.-240 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Bindhachal Yadav Son Of Mangal Yadav Village- Chakani, Ps- Brahmpur, Dist- Buxar
  2. Sunaina Devi Wife Of Bindhachal Yadav Village- Chakani, Ps- Brahmpur, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sindhu Devi Wife Of Santosh Yadav Village- Chandpura, Ps- Brahmpur, Dist- Buxar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Adv.  
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

5      24-02-2025                      Heard the parties.

2. The petitioners are apprehending their arrest in connection with Brahmpur P.S. Case No. 240 of 2024 for the offence under Sections 363, 364, 366(A), 504, 506 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution story, on 06.05.2024, informant's daughter namely – Priti Kumari had gone to market for purchase of some household items but she did not returned home till late night. After being searched by the informant, her daughter was not found. Then on 12.05.2024, informant sent her brother-in-law (devar) – Guddu Yadav to the house of



Bindhachal Yadav for knowing the whereabouts of her girl, then Bindhachal Yadav along with his wife – Sindhu Devi, after seeing Guddu Yadav they abused him and said that since he has not compromised the earlier lodged rape case hence this occurrence has taken place. He also threatened him to kill his all family members.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence and have been falsely implicated in this case. As per FIR occurrence took place on 06.05.2024 but the same was lodged on 13.05.2024 without any explanation of delay. He submits that both parties are acquainted to each others and due to some minor dispute the present case has been lodged by the informant against the petitioners. It is further submitted that petitioners have no knowledge about Rahul Kumar. Police without any legal evidence implicated the petitioners in the alleged offence. Lastly he prayed to enlarge the petitioners on anticipatory bail.

5. Learned APP for the State have vehemently opposed the prayer for anticipatory bail.

6. From perusal of the case diary, it appears that victim girl – Priti Kumari has been recovered and her statement has been recorded under Section 164 Cr.P.C. before Special



Court, POCSO Act, which has been reproduced in para 41 and 42 of the case diary. From perusal of which it appears that no allegation has been leveled by the victim against these two petitioners who are father and mother of Rahul Yadav.

7. Keeping in view the aforesaid fact and specifically the statement made by victim girl, petitioners are enlarged on anticipatory bail.

8. Let the petitioners be released on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge – VI – cum- Special Court, POCSO Act, Buxar in connection with Brahmpur P.S. Case No. 240 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(S. B. Pd. Singh, J)**

prabhakar/-

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