

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37707 of 2014

Arising Out of PS.Case No. -120 Year- 2014 Thana -BARHARA District- PURNIA

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1. Viru Kumar @ Viru Kumar Mandal son of Shri Manoj Mandal alias Kari Mandal
2. Kumia Devi wife of Shri Manoj Mandal alias Kari Mandal
3. Manoj Mandal alias Kari Mandal son of Late Diyali Mandal
4. Saroj Mandal son of Shri Manoj Mandal alias Kari Mandal
5. Pramod Mandal son of Late Diyali Mandal,
All residents of village Bithaili, P.S. Barhara, District Purnea

.... Petitioners

Versus

1. The State of Bihar
2. Guddi Kumar, D/o Mithilesh Mandal, resident of village Bithaili, P.S. Barhara, District Purnea

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-04-2015 Heard learned counsel for the petitioners and learned

APP for the State assisted by learned counsel for the opposite

party no.2

2. The petitioners apprehend their arrest for the offences alleged under Sections 376, 323, 323 and 504/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2002 registered in connection with Barhara P.S. Case No.120 of 2014.

3. It is submitted that the petitioners have been falsely implicated in the case which has been instituted only to put pressure on petitioner no.1 for marriage as the informant was in

love with petitioner no.1. This finds support from the very fact that the parties have since married each other and are living in matrimonial harmony.

4. Learned counsel for the petitioners relies on the principle enunciated in the case of Uday Vs. State of Karnataka [(2003) 4 Supreme Court Cases 46].

5. Learned APP, who is assisted by learned counsel for the informant, has been heard and confirms the fact of marriage.

6. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioners, namely, Viru Kumar @ Viru Kumar Mandal, Kumia Devi, Manoj Mandal alias Kari Mandal, Saroj Mandal and Pramod Mandal, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Case No.22 of 2014 arising out of Barhara P.S. Case No. 120 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

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(Vikash Jain, J)