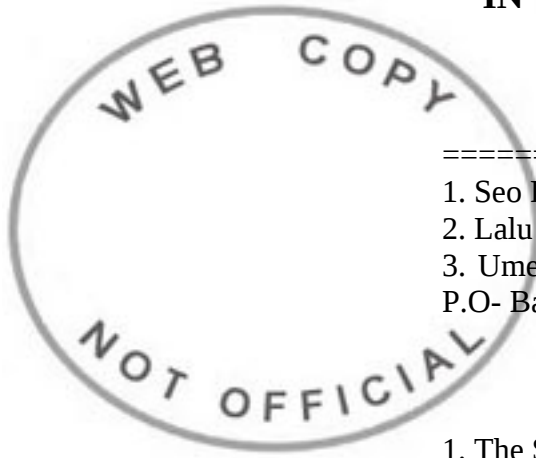




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38695 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Seo Prasad @ Sheo Prasad, S/O Shambhu Prasad
 2. Lalu Kushwaha @ Lalu Prasad S/o Basudeo Prasad
 3. Umesh Prasad S/O Ekbal Prasad All resident of village- Malahi Balua, P.O- Balua Rampurawa, P.S.- Bairia, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. B.N.Pandey(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 363,366A,342 and 374 of the Indian Penal Code and sections 4,6 and 8 of The Protection of Children from Sexual Offences Act.

The prosecution case is that two girls were recovered from house of organizer of an orchestra party. On queries both the girls disclosed their names as Kavita Saw and Sabina Khatoon. They suggested that they were

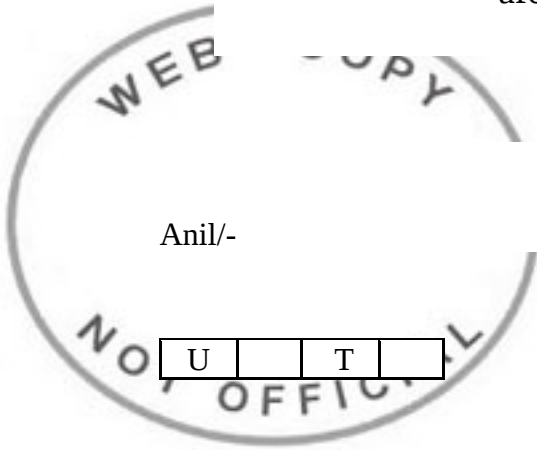
brought by the organizers of orchestra party and they were kept confined in a room. The victim further disclosed that the petitioners used to compel them to perform obscene performances.

It is submitted by the learned counsel for the petitioners that the FIR itself suggests the age of one of the victims Kavita as 18 years when Savina Khatoon is the wife of petitioner no. 1. Statement to that effect has been made in paragraph 6 of the petition. Hence, there is no application of sections 4,6 and 8 of The Protection of Children from Sexual Offences Act and even assuming the accusation no offence under sections 363,366A,342 and 374 of the Indian Penal Code is made out.

The aforesaid facts constitute ground for consideration of the prayer for regular bail of the petitioners by the learned court below in case the petitioners surrender within six weeks from today in connection with Bairia P.S. Case No. 75 of 2015 pending in the court of learned 1st Addl. Sessions Judge-cum-Special Judge, Bettiah, West Champaran.

This application is disposed of with the

aforesaid observation/direction.



(Dinesh Kumar Singh, J)