

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38542 of 2016

Arising out of P.S. Case No. - 178 Year - 2015 Thana - SONBERSA District - SITAMARHI

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1. Munchun Kumar @ Mintu Kumar, Son of Soman Nayak
 2. Chandan Kumar, Son of Raj Kumar Mahto
 3. Sachin Kumar @ Rakesh Kumar, Son of Ajay Mahto
- All the above are residents of village - Phulkaha, P.S. Kanhauli,
District Sitamarhi

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bidhanesh Misra, Advocate

For the Opposite Party : Mr. Gopesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2016

At the very outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition on behalf of the petitioner no. 3, Sachin Kumar @ Rakesh Kumar, who is said to be minor.

2. Permission is accorded.

3. The anticipatory bail petition on behalf of petitioner no. 3, Sachin Kumar @ Rakesh Kumar, is permitted to be withdrawn with liberty to approach the Juvenile Justice Board.

4. Heard learned counsel for the petitioner nos. 2 and 3 and learned APP for the State.

5. The petitioner nos. 2 and 3 apprehend their arrest for the offences alleged under Sections 341, 323, 504, 506, 354(B)/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act registered in connection with Sonbarsa P.S. Case No. 178 of 2015.

6. It is submitted that the petitioners have been falsely implicated and even according to the averments in the fardbeyan, no offence of rape under the POCSO Act is made out against the

petitioners. The offences as alleged under the Penal Code are ornamental in nature. Petitioners claim clean antecedents.

7. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner nos. 1 and 2's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 2 be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 178 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions-

(i) One of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioners shall cooperate with the investigation and made themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

Kundan/BT

(Vikash Jain, J)

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