

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41924 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -KUCHAIKOTE District-
GOPALGANJ

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1. Prithvi Nath Singh, Son of Late Janakdeo Singh, Resident of Village -Rampur Bangra, Police Station- Tareya Sujan, District - Kushinagar (U.P), at present resident of Village - Sirsia Babu Tola (Sasamusa), Police Station - Kuchaikote, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Rajeev Nayan, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 21-10-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Kuchaikote P.S. Case No. 147 of 2016, disclosing offences under Sections 370, 371, 372, 373, 376 and 506 of the Indian Penal Code, Sections 3, 4, 5, 6 and 7 of Immoral Traffic Act, 1956, and Sections 3, 5 and 9 of the POCSO Act.

The petitioner is the father of co-accused, namely, Dhananjay Singh. Allegedly, a raid was conducted in a hotel run by the petitioner's son, where certain persons were found in objectionable position, in different rooms, with females.

Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that no offence, under the provisions of POCSO Act, is made out even if the allegations, as made in the First Information Report, are treated to be true as none of the females were found to be minor. He has further submitted that the petitioner has been implicated in this case at the instance of the agnates of the family of the petitioner's in-laws, who are no more. They are inimical to the petitioner only because he and his wife have inherited the property of her (wife's) forefathers.

Considering the facts and circumstances of the case and the submissions so advanced on behalf of the petitioner, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned 1st Additional Sessions Judge, Gopalganj**, in connection with **Kuchaikote P.S. Case No. 147 of 2016**,

subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

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