

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17967 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Birendra Sao, S/o Gokul Sao,
2. Mahesh Yadav, S/o Moti Yadav, Both resident of Village Jhinaura,
Police Station- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-05-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Lakhisarai (Kawaiya) P.S.Case No.97 of 2017, registered for offences punishable under Sections 366A and 120(B) of the Indian Penal Code and Section 8 of POCSO Act, 2012.

Allegation against the petitioners is that they are named in the F.I.R.

It is submitted on behalf of the petitioners that the statement of the victim girl, taken under Section 164 Cr.P.C., itself shows that the allegations are against the co-accused persons and not against the petitioners and the only allegation against them is that they have not co-operated with the informant and misbehaved him.



Heard learned A.P.P. also.

Having heard both sides and in view of allegation as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-1-cum-Special Judge (POCSO), Lakhisarai in connection with Lakhisarai (Kawaiya) P.S.Case No.97 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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