

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46460 of 2017

Arising Out of PS. Case No.-113 Year-2017 Thana- BIHRA District- Saharsa

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1. Binod Rai son of Parmeshwar Rai resident of Patel Nagar, Hatiagachhi, P.S. + District - Saharsa.
 2. Prem Kumar Mahto son of Upendra Mahto resident of Nauhatta, P.S. - Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. SRI ARBIND KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-10-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihra P.S. Case N0. 113 of 2017, disclosing offences under Sections 355,365 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioners has drawn my attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, which has been brought on record by way of Annexure-2 to the application to submit that the entire case of the prosecution of kidnapping stands falsified inasmuch as the victim herself has stated that she had solemnized marriage with co-accused Vikash Kumar.



Considering the above submission, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-Cum-Special Judge, Saharsa, in Bihra P.S. Case No. 113 of 2017 and POCSO Case No. 18 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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