

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52062 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Sunaina Devi W/o Mohan Das.
 2. Mohan Das S/o Ram Chandar Das.
 3. Manjay Das S/o Mohan Das.
 4. Ravi Das S/o Mohan Das. All R/o Village- Madhopur Chhata, P.S.- Tariyani, District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Sri Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-01-2017 This is an application for grant of anticipatory bail for offences punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Heard learned counsel for the petitioners.

It has been submitted on behalf of the petitioners that they are named in the F.I.R. but the victim girl's statement was recorded under Section 164 of the Code of Criminal Procedure in which she has not named any of the accused persons rather she has stated that she had gone with her own sweet-will and petitioners have falsely been implicated in this case.

Heard learned A.P.P. also. He has pointed out that the case diary has been called for and statement of the victim girl



recorded under Section 164 of the Code of Criminal Procedure is not available on the record.

In view of the fact that the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure is not available on the record, I am not inclined to grant anticipatory bail to the petitioners.

However, petitioners may surrender before the court below, i.e., learned A.C.J.M., Sheohar, in connection with Tariyani P.S. case no. 93 of 2016 and make prayer for regular bail which will be considered taking into account the 164 Cr.P.C. statement of the victim girl, which is not on record here, and dispose of the same on its own merit without being prejudiced by the order of this Court preferably on the same day.

The application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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