

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55355 of 2018

Arising Out of PS.Case No. -170 Year- 2018 Thana -BELHAR District- BANKA

- =====
1. Kushum Devi, wife of Vivekanand Das @ Vivekanand Gupta.
 2. Rita Devi wife of Kalhu Das.
 3. Viveka Nand Das @ Viveka Nand Gupta, son of Late Birju Das.
 4. Kalhu Das, son of Late Birju Das.
- All residents of village- Simaria, P.S. Belhar, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Shankar Prasad, Advocate
For the State : Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Belhar P.S. Case No.170 of 2018 arising out of Complaint Case No.554 of 2018 registered under Sections 366A, 120-B, 376, 420 and 323 of the Indian Penal Code and Section 4 of the POCSO Act.

It is submitted by the learned counsel for the petitioners that initially a complaint was filed on 04.05.2018 for an occurrence which is said to have taken place on 08.04.2018 which was referred to the police pursuant to which the first information



report was instituted and investigation was taken up. The admitted case of the informant is that her father died and, thereafter, her mother had married another person and she was residing in the house of her maternal grand father. She was taken by the petitioners to her aunt and uncle who got her married to one Raj Kumar Das who established physical relationship with her. It is further contended that the first information report has been instituted only because the informant was not happy with the marriage as according to her she has been married in a poor family. It is also contended that from perusal of the body of the first information report it would appear that the age of the informant has been mentioned as nineteen years and, hence, no case under the POCSO Act would be made out. Furthermore, there is no allegation of rape against these petitioners.

Per contra, learned counsel for the State submitted that it was the petitioners, who were instrumental in taking her to another place on a false pretext and, thereafter, they got her married to one Raj Kumar Das, who sexually exploited her.

Regard being had to the submissions made above and the nature of the offence, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bonds of



Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No.170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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