

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69117 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- MAHILA P.S. District- Rohtas

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1. Uma Baitha @ Uma Dhobi Son of Late Sagar Baitha
 2. Devanand Baitha Son of Mohan Baitha Both Resident of Village- Kusudhi, P.S. Darigaon, Distt.-Rohtas
 3. Subhash Baitha Son of Ram Bachan Baitha Resident of Village- Barka Kenar, P.S. Chenari, Distt.-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Rohtas Mahila P.S. Case No. 46 of 2018 dated 19.06.2018 instituted for the offences under Sections 354 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Though the prosecutrix has stated her age to be less than 18 years and has alleged acts of sexual misdemeanor against the petitioners but the learned counsel appearing for the petitioners has pointed out that the falsity of the allegation in the FIR would become apparent from the fact that the prosecutrix has not stated about the relationship of the petitioners with her. In fact, the petitioners can trace their descent from the



same stock of the family as that of the prosecutrix and her father. The great grand-father of the parties are same. In this background, the statement of the prosecutrix that she knows about the petitioners because they happened to visit her village regularly, rubbishes the entire prosecution version.

In any view of the matter, considering the dispute over four decimals of land and the present implication being an offshoot or the result of the aforesaid dispute, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist, Rohtas at Sasaam in connection with Rohtas Mahila P.S. Case No. 46 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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