

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.435 of 2018

Arising Out of PS.Case No. -140 Year- 2017 Thana -RIGA District- SITAMARHI

- =====
1. Baby Devi, wife of Rabindra Paswan,
 2. Anita Devi, wife of Rajiv Paswan
 3. Shikla Devi @ Ram Patiya Devi, wife of Ram Snehi Paswan
 4. Sanjeev Paswan, son of Ram Snehi Paswan,
- All resident of Village- Ashogi, P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Riga P.S.**

Case No. 140 of 2017 instituted for the offence under Sections
376/34 of the Indian Penal Code and Sections 4 and 6 of POCSO
Act.

Learned counsel for the petitioners has submitted that
victim girl has love affair with Sanjeev Paswan (petitioner No. 4)
and she has voluntarily gone with him.

In the instant case she has given her statement under
Section 164 Cr. P.C. in which she has stated that she was taken
forcibly by the accused persons. Subsequently, the victim girl has



again left the house for which the informant has lodged another case vide Riga P.S. Case No. 174 of 2017 wherein she has appeared and gave her statement before the learned Magistrate under Section 164 Cr. P.C. stating that she has performed marriage with petitioner No. 4 and by order dated 13.09.2017 passed by the court below in that case, the victim girl has been released in favour of petitioner No. 4, as she has expressed her willingness to live in her *sasural* with petitioner No. 4.

Learned counsel for the petitioners has submitted that at present the victim girl is living with petitioner No. 4 as his wife. It has further been submitted that petitioner Nos. 1, 2 and 3 are family members of petitioner No. 4.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Riga P.S. Case No. 140 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Sitamarhi**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the



jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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