

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73102 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- MAHILA P.S District- Supaul

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1. Satyanarayan Sah son of Sitaram Sah
 2. Ganesh Sah @ Ganesh Kumar son of Sukdev Sah, Both resident of Village- Nirmali Chouk, P.S. Pipra, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2018 Heard learned counsel for the parties.

It is stated that petitioner no.1 has been arrested during the pendency of this application and, and as such, this application, as against petitioner no.1, has become infructuous.

In view of the said submission, the application against petitioner no.1 is dismissed as having become infructuous.

The petitioner no.2 Ganesh Sah @ Ganesh Kumar seeks anticipatory bail in Supaul Mahila P.S. Case No. 101 of 208, registered for the offences punishable under Sections 376, 323, 504 and 506/34 of the Indian Penal Code, and Sections 4 and 6 of the POCSO Act.

The allegation of commission of rape is against the



co-accused Sukdeo Sah. Allegedly, the victim has become pregnant. It is alleged in the FIR that the petitioners and another had offered a sum of Rs. 5,000/- for getting the pregnancy aborted.

Learned counsel, appearing on behalf of the petitioner, Ganesh Sah @ Ganesh Kumar, has submitted that over and above there is no allegation against this petitioner.

On perusal of the FIR, I find substance in the submission so made.

In the facts and circumstances of the case, this application is allowed. Petitioner no.2 Ganesh Sah @ Ganesh Kumar, in the event of his arrest/surrender within six weeks from today in the court below, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Learned Additional Sessions Judge, 1st, Supaul in Supaul Mahila P.S. Case No. 101 of 2018, 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 petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part



to appear before the Court on two consecutive occasions, his
bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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