

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8111 of 2018

Arising Out of PS. Case No.-220 Year-2016 Thana- MADHUBAN District- East Champaran

1. Radha Devi, W/o Dukha Sahani @ Guddu,
2. Dukha Sahani @ Guddu S/o Kishundeo Sahani, Both R/o Village- Kothiya, P.S.- Madhuban, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar @ Sonu Babu, Advocate,
Mrs. Rashmi Jha, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Madhuban P.S. Case No. 220 of 2016, registered for the offences punishable under Sections 341, 342, 323, 376, 452, 504, 506/34 of the Indian Penal Code and Section 4 & 6 of POCSO Act.

Allegedly, co-accused Mukesh Kumar committed rape with the victim girl and petitioners refused to marry Mukesh Kumar with the victim girl.

Submission is of false implication and that on the basis of complaint petition this case has been lodged. Complaint case has been lodged after much delay without any explanation. The petitioners have been made accused unnecessarily. The



statement of the victim girl has been recorded under Section 164 Cr.P.C. wherein she has not supported the allegation of rape rather has stated about attempt to commit rape by co-accused Mukesh Kumar and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that in the statement recorded under Section 164 Cr.P.C. there is allegation against co-accused Mukesh Kumar to make an attempt to commit rape with the victim girl and victim girl is minor.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 220 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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