

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33775 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -MAHILA P.S. District- PURNIA

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1. Chandrika Prasad Mahto, S/o Bhaguni Lal Mahto,
2. Shanti Devi W/o Chandrika Prasad Mahto,
3. Kishan Kumar S/o Chandra Prasad Mahto, All are R/o Vill.- Kalyanpur,
P.S.- K. Nagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-08-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Special Case No.34 of 2018, registered for offences punishable under Sections 376/420 of the Indian Penal Code and Section 4 , 8 and 12 of the POCSO Act, 2012.

Allegation against one Sangam Kumar is of committing rape of the daughter of the informant and the petitioners are said to be father, mother and younger brother of said Sangam Kumar.

Submission of the learned counsel for the petitioners is that there is no allegation of commission of rape against these petitioners and moreover marriage between Sangam Kumar and the informant has already been solemnized, which has been



accepted by the learned counsel for the informant also.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge POSCO, Purnea in connection with Mahila P.S. Case No.13 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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