

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3236 of 2019

Arising Out of PS. Case No.-206 Year-2017 Thana- CHANPATIA District- West Champaran

1. Deepak Sah @ Deepak Kumar aged about 25 years (male) son of Madan Sah
2. Madan Sah son of Late Dharikshan Sah.
3. Lallu Sah son of Madan Sah
4. Jattu Kumari @ Jatai Kumar @ Jatai Kumari @ Sabita Kumari daughter of Madan Sah

All are residents of Village- Bishrampur Nawka Tola, Police Station - Yogapatti, District- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 376, 323, 504 and 506 of the Indian Penal Code and Sections 4/6 of the Protection of Children From Sexual Offences Act registered in connection with S.G.R. Case No. 31 of 2017 arising out of Chanpatia (Sirisiya O.P) P.S. Case No. 206 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be relatives of co-accused Rupak Sah against whom thrust of accusation of committing rape upon the informant has been made. There is inordinate delay of about ten months in instituting the first information report on 08.06.2017 for the alleged occurrence of 10.07.2016. There is no medical report on record to support the accusation of rape or pregnancy as stated by the complainant-informant. The petitioners claim clean antecedents.



4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Session-1st -cum-Special Judge, Bettiah, District West Champaran, in connection with S.G.R. Case No. 31 of 2017 arising out of Chanpatia (Sirisiya O.P) P.S. Case No. 206 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 4 will be well represented and petitioner nos. 1, 2 and 3 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

U		T	
---	--	---	--

