

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12945 of 2019

Arising Out of PS. Case No.-206 Year-2018 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. AMIT KUMAR SINGH
 2. Vikash Singh @ Vikash Kumar Singh
both sons of Ramendra Kumar Singh
 3. Dheeraj Kumar Singh Son of Binod singh
 4. Sikku Singh under the natural guardianship of Manoj Singh @ Munna Singh
S/O-Shri Ram Singh Resident of Village-Mashi, P.S.- Bhagwanpur, District-
Kaimur (Bhabhua)
 5. Jitendra Singh @ Jitendra Kumar Singh
 6. Ramendra Kumar Singh @ Ramendra Singh
 7. Chunmun Singh @ Arvind Kumar Singh @ Arvind Singh
 8. Dhunmun Singh @ Arun Kumar Singh
All sons of Late Tej Dhari Singh
All the petitioners being residents of Village-Mashi, P.S.- Bhagwanpur,
District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey
For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 03-07-2019 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with
Bhagwanpur P.S.Cas No. 206 of 2018 registered under Sections
323,341, 354B, 354D,448, 504/34 of the Indian Penal Code and
Section 8 of the Protection of Children from Sexual Offences
Act and Section 27 of the Arms Act.

Allegation against the petitioners, as per the FIR lodged
by one Rani Kumari, who declared her age on the date of



occurrence as 14 years, is that she along with her younger sister Puja, had gone to visit Goddess Kali Temple, where petitioner nos. 1, 2, 3 and 4 started making her video. On her protest, they all abused and chased her away and when she reached near the door of the house, petitioner nos. 1 to 4 started teasing her and on protest slapped her and her sister. When her father, uncle and elder brothers came to save informant, petitioner nos. 5 to 8 assaulted her father and uncle with the help of sticks and katta, and with intention to insult the informant, accused persons pushed her on the ground due to which she got disrobed.

Learned counsel for the petitioners submits that all the petitioners are members of the same family, except petitioner nos. 3 and 4 who are cousins of other petitioners, and all family members have been falsely implicated in this case due to village rivalry. He further submits that from the allegations made in the FIR, no offence, under Section 8 of the POCSO Act, is made out.

Learned counsel, referring to Annexure-2, which is a marksheet of Bihar School Examination Board, submits that as per marksheet, on the date of occurrence, the age of victim girl was 18 years and not 14 years as is disclosed by her in the FIR. Learned counsel further referring to Annexure-P/4 and P/4A,



submits that both parties have compromised their dispute amicably and they have agreed to withdraw the case filed against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that all petitioners belong to same family and informant and petitioners have resolved their dispute amicably and on the date of occurrence, informant was found major and the fact that no offence under Section 7 of the POCSO Act appears to have been committed by the petitioners, I am inclined to grant anticipatory bail to the petitioners. The provisional anticipatory bail granted to the petitioners on 05.03.2019 is hereby confirmed and the bail bond furnished by the petitioners shall be treated to be a bond furnished pursuant to this order; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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