

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18259 of 2019**

Arising Out of PS. Case No.-72 Year-2018 Thana- MAHILA P.S. District- Rohtas

1. SATYENDRA KUMAR @ SATYENDRA CHAUDHARY aged about 40 years, Gender – Male.
2. Santosh Kumar @ Santosh Chaudhary aged about 32 years, Gender – Male.
3. Mantu Kumar @ Mantu Chaudhary, aged about 25 years, Gender – Male,
All S/o Manager Chauhan @ Manager Chaudhary Resident of Village-
Saisad, P.S.- Dinara, District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s :

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-04-2019 Heard learned counsel for the petitioners. No one appears on behalf of the State.

The petitioners are seeking anticipatory bail in connection with POCSO Case No. 58/2018 arising out of Mahila (Dehri) P.S. Case No. 72/2018 registered under Sections 376, 504/34 of the Indian Penal Code and Section 4 of POCSO Act, pending in the court of learned Additional Sessions Judge – 1, Rohtas at Sasaram.

Learned counsel for the petitioners submits that as per allegations in the F.I.R. one Chandan Kumar had



established forcible relationship with the victim girl for about seven months. The girl had got pregnant. It is alleged that when the victim girl made a complaint about this to his brothers (Petitioners) they threatened the informant and told her that she will be subjected to gang-rape, thereafter the victim girl said to have informed it to her family, but when her father went to lodge a case the Officer-in-Charge of the police station scolded him and asked him to go back. It is then alleged that when the victim girl asked Chandan Kumar to marry her, he refused to marry her and all the four brothers threatened the informant.

Learned counsel submits that after investigation police submitted a charge-sheet against these petitioners but not under Section 376 of the Indian Penal Code, but later on the learned Magistrate differed with the police report and took cognizance of the offence and summon the petitioners has been issued as well under the aforesaid provisions of the I.P.C. and the POCSO Act.

The submission is that on the face of the allegations in the F.I.R., it is crystal clear that there is no allegation of commission of rape by these petitioners nor



there is any allegation that these petitioners had encouraged any such forcible relationship between their brother Chandan Kumar and the informant. Learned counsel submits that these petitioners have been falsely implicated only because they happened to be the brothers of Chandan Kumar. It is also submitted that these petitioners have got no criminal antecedent. It is also informed that Chandan Kumar had already surrendered and is presently in judicial custody.

Considering the facts and circumstances of the case whereunder petitioners are said to be the brothers of co-accused Chandan Kumar but there is no allegation of commission of rape against these petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Rohtas at Sasaram, in connection with POCSO Case No. 58/2018 arising out of Mahila (Dehri) P.S. Case No. 72/2018, subject to conditions prescribed under Section



438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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