

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23218 of 2019

Arising Out of PS. Case No.-791 Year-2018 Thana- MASAUDHI District- Patna

1. Mihir Kumar Son of Ashok Kumar, Resident of Near Dharma Sadan, Gagna Chak Malikana, P.S.- Masaurhi, Distt - Patna.
2. Monu Kumar Son of Ashok Kumar, Resident of Near Dharma Sadan, Gagna Chak Malikana, P.S.- Masaurhi, Distt - Patna.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-07-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Special Case No. 217 of 2018 arising out of Masaurhi P.S. Case No. 791 of 2018 registered for the offences punishable under Sections 354(A)(D) and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

Petitioners in the present case are brothers against whom there are allegations that they had gone to the house of the informant who is said to be aged about 16 years and threatened her to marry and also assaulted her and misbehaved



with her. It is alleged that when her elder sister came to protect her then they assaulted her, caught her body and misbehaved with her. Petitioners allegedly gave a proposal to both sisters to marry with them.

Learned counsel for the petitioners submits that in course of investigation both the sisters have recorded their statements under Section 164 Cr.P.C. Copies of the statements have been enclosed as Annexure '2' to the present application. It is submitted that so far as the elder sister of the informant is concerned, she is aged about 21 years and her date of birth is 30.09.1997 and the provisions of POCSO Act would not apply in her case.

Learned counsel for the petitioners has further submitted that in her statements under Section 164 Cr.P.C. the informant has stated that she had an altercation with the sister of the petitioners as a result thereof petitioner no. 1 had taken the number of the informant and he was writing messages to her because of which she has lodged this case. She has denied the alleged occurrence and has categorically stated that the petitioners have not committed any untoward act and no assault was inflicted upon her. The elder sister of the informant has also accepted the facts of the dispute but then she has stated that both



the parties had settled their dispute amicably and they do not want to contest.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but finding that these petitioners are said to be the students and in their statements under Section 164 Cr.P.C. both the sisters have stated that no alleged occurrence of assault has taken place and they have amicably resolved their dispute, this Court is inclined to grant anticipatory bail to the petitioners.

Let the petitioners above named, in case of their arrest or surrender within four weeks from today in connection with Special Case No. 271 of 2018 arising out of Masaurhi P.S. Case No. 791 of 2018, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1-cum-Special Judge, POCSO, Patna., subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

vats/ved

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