

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21182 of 2019

Arising Out of PS. Case No.-237 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. RAJESHWAR SAHANI Son of Raj Banshi Sahani Resident of Fultakeya, P.S.-Kesariya, District - East Champaran.
 2. Someshwar Sahani Son of Raj Banshi Sahani Resident of Fultakeya, P.S.-Kesariya, District - East Champaran.
 3. Anil Sahani Son of Raj Banshi Sahani Resident of Fultakeya, P.S.-Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 342, 323, 325, 504, 376 of the Indian Penal Code and Sections 6 and 8 of the POCSO Act, 2012.

The prosecution case got initiated with the filing of Complaint Case No.5 of 2018 which came to be registered as police case after complaint being transferred under Section 156(3) of the Code of Criminal Procedure is to the effect that the informant developed intimacy with co-accused Deepak Kumar,



who subsequently on assurance of marriage established physical relationship with her. But whenever, the informant used to ask co-accused Deepak Kumar for marriage, he used to make excuses. It is further alleged that when the father of the informant made complaint to the petitioners, who are father and uncles of co-accused Deepak Kumar, they assaulted the father of the informant.

It is submitted by learned counsel for the petitioners that the accusation under Section 376 of the I.P.C. and Sections 6 and 8 of the POCSO Act has not been levelled against the petitioners. The only accusation against the petitioners is of making assault to the father of the informant when he complained about it to the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR and they abused and assault the family members of the complainant.

Considering the thrust of accusation against co-accused Deepak Kumar, there being no injury report to corroborate the accusation of assault coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender



before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No.237 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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