

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22867 of 2019**

Arising Out of PS. Case No.-749 Year-2018 Thana- BIHTA District- Patna
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1. Sunaina Kumari, female, D/o Ashok Mistry Resident of Village - Madhusudanpur, P.S.- Bihta, Distt - Patna.
2. Pooja Kumari, female, aged about 23 years, D/o Ashok Mishtry Resident of Village - Madhusudanpur, P.S.- Bihta, Distt - Patna.
3. Tinkku Kumar, male, aged about 25 years, Son of Ashok Mistry Resident of Village - Madhusudanpur, P.S.- Bihta, Distt - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party
=====

Appearance :

For the Petitioners : Mr. Vijay Kumar Singh, Advocate.

For the Opposite Party: APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-04-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 354(a)/34 of the Indian Penal Code and Section 8/12 of POCSO Act registered in connection with Bihta P.S. Case No. 749 of 2018/Special Case No. 132 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the variously related to the husband of the deceased, being his two sisters and brother respectively. It is submitted that from the statement of the daughter of the informant aged 7 years recorded under Section 164 Cr. P.C. it transpires that the entire accusation is against the informant's husband and not against the petitioners whatsoever. Learned counsel for the petitioners makes a statement at the Bar that the husband of the informant is in custody since 18.07.2018. 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 1st Patna cum Special Judge, POCSO, Patna in connection with Bihta P.S. Case No. 749 of 2018/Special Case No. 132 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

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

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

(iii) That 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.

(iv) That the petitioner nos. 1 and 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present and petitioner no.3 shall remain physically present in Court on each and every date, 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.

(Vikash Jain, J)

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