

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23166 of 2019

Arising Out of PS. Case No.-749 Year-2018 Thana- BIHTA District- Patna

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1. ASHOK MISTRY Son of Late Saryug Mistry Resident of Village-Madhusudanpur, P.S-Bihta, District-Patna.
 2. Devanti Devi Wife of Ashok Mistry Resident of Village-Madhusudanpur, P.S-Bihta, District-Patna.
 3. Ravi Kumar @ Ravi Krishan Kumar @ Ravi Krishan Son of Ashok Mistry Resident of Village-Madhusudanpur, P.S-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-04-2019 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, 323,354(a), 34 IPC and Section 8/12 of the POCSO Act registered in connection with Bihta P.S. Case No.749 of 2018/Special Case No. 132/2018.

3. It is submitted that the petitioners being the father-in-law, mother-in-law and 'devar' of the informant have been falsely implicated. 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 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 Ist, Patna-cum- Special Judge, POCSO, Patna, in connection with Bihta P.S. Case No. 749 of 2018/Special Case No. 132/2018 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 shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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. The petitioner no. 1 and 3 shall remain physically present and petitioner no. 2 shall be well represented in Court on each and every date during trial 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.

Chandran/-

(Vikash Jain, J)

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