

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28197 of 2019

Arising Out of PS. Case No.-719 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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1. Kailash Prasad S/O- Late Sukhdeo Prasad, Resident of village- Akauna Chandmari, Ward No. 26 P.S. Town Motihari, District- East Champaran.
 2. Sumit Kumar S/O - Kailash Prasad, Resident of village- Akauna Chandmari, Ward No. 26 P.S. Town Motihari, District- East Champaran.
 3. Sujit Kumar, S/O- Kailash Prasad, Resident of village- Akauna Chandmari, Ward No. 26 P.S. Town Motihari, District- East Champaran.
 4. Sunita Devi, W/o- Kailash Prasad, Resident of village- Akauna Chandmari, Ward No. 26 P.S. Town Motihari, District- East Champaran.
 5. Sandip Kumar, S/O Kailash Prasad, Resident of village- Akauna Chandmari, Ward No. 26 P.S. Town Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma
For the Opposite Party/s : Mr. Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend their arrest in connection with Motihari Town P.S. Case No. 719 of 2018 registered for the offence punishable under Sections 341, 323, 504, 506, 354(B), 509, 379/34 of the Indian Penal Code and Sections 8 and 10 of POCSO Act.

Petitioners armed with weapons descended at the



door of the informant and assaulted the informant, his son and wife. Petitioner Sumit Kumar twisted his neck and stripped off the saree of his wife. They also relieved her of her ornament.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. As a matter of fact, petitioner Sunita Devi has lodged Motihari Town P.S. Case No. 341/2016 against the informant and others, and the informant has lodged this false and frivolous case against the said petitioner and others to mount pressure upon them to get the aforesaid case compromised. Injury sustained by the informant is simple in nature and barring informant none has sustained injury in the occurrence. Parties have entered into compromise in the case. Petitioners have no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 learned 1st Addl. Sessions



Judge cum Special Judge, POCSO Act, East Champaran,
Motihari in connection with Motihari Town P.S. Case No. 719
of 2018, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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