

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38710 of 2019

Arising Out of PS. Case No.-47 Year-2018 Thana- MAHILA P.S. District- Madhubani

1. PRADEEP SAHNI Son of Ramashish Sahani Resident of Village - Brahmotra, P.S.- Ladaniya, District- Madhubani
2. Mukesh Sahani Son of Ram Prayag Sahni Resident of Village - Brahmotra, P.S.- Ladaniya, District- Madhubani
3. Dilip Kumar Sahani @ Dilip Sahni Son of Ram Bilash Sahani Resident of Village - Brahmotra, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-07-2019 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(B), 504/34 IPC and Section 8 of the POCSO Act, 2012 registered in connection with Mahila P.S. Case No. 47 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the accusation under Section 354(B) IPC are highly improbable considering that the parties are agnates. There is past dispute between the parties and the present FIR has been lodged on 28.05.2018 in retaliation to the earlier FIR in Ladania P.S. Case No. 4 of 2018 lodged on 09.01.2018 by the petitioners' side against the parents of the informant and other persons. The petitioner no. 1 is accused in one prior case being Ladania P.S. Case No. 168 of 2017, which is filed by none other, but the mother of the informant and in which he is on police bail. The petitioner no. 2 is also accused in Ladania P.S. Case No. 146 of 2018 filed against him by the informant's side. The petitioner



no. 3 claims 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 Ist Additional Sessions Judge-cum-Special Judge, POCSO, Madhubani, in connection with Mahila P.S. Case No. 47 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 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 petitioners shall remain physically present 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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