

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39682 of 2019

Arising Out of PS. Case No.-377 Year-2017 Thana- SIKARPUR District- West Champaran

1. BIRENDRA RAM Son of Sri Suresh Ram Resident of Village - Maldahiya, P.S.- Shikarpur, District - West Champaran.
2. Suresh Ram Son of Sri Anwat Ram Resident of Village - Maldahiya, P.S.- Shikarpur, District - West Champaran.
3. Kunti Devi Wife of Sri Suresh Ram Resident of Village - Maldahiya, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363 and 366/34 IPC and Section 8 and 12 of the POCSO Act registered in connection with Shikarpur P.S. Case No. 377 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the brother, father and mother of of Chhathu Ram with whom the girl in question had voluntarily gone, as evident from the bail order of the said Chhathu Ram in Cr. Misc. No. 58397 of 2017. It is therefore, submitted that the said girl was not kidnapped and hence the offences under the POCSO Act are not attracted against the present petitioners, who 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 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 377 of 2017, 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 nos. 1 and 2 shall remain physically present and petitioner no. 3 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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