

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39258 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- FORBESGANJ District- Araria

1. Sumitra Devi aged about 45 years (F) Wife of Damodar Rishideo
2. Damodar Rishideo aged about 50 years (M) Son of Achchhe Lal Rishideo
Both are residents of Village-Kundilpur ward No. 05, Police Station-
Narpatganj, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Mukesh Kumar Rana, Advocate
For the State	:	Mr.Jitendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-08-2019 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 366A/34 of the Indian Penal Code and Section 4 of the POCSO Act registered in connection with Forbesganj (Simraha) P.S. Case No. 141 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with the alleged kidnapping of the informant's daughter. Reference has been invited to the statement of the victim girl recorded under Section 164 of the Cr.P.C. from which it is evident that the thrust of accusation is against co-accused Anil Rishideo who is said to have taken her away to Nepal. The petitioners have been implicated merely because they happen to be the parents of co-accused Anil Rishideo and only allegation against them is of beating the victim. It is further submitted that the victim is major girl about 18 years of age. It is therefore submitted that the ingredients of the offence alleged in the FIR are not attracted. The petitioners claim clean antecedents.



4. Learned APP submits on the basis of the case diary that the petitioners are alleged to have beaten the victim girl. However, the medical report contained in paragraph 92 of the case diary discloses that the age of the victim girl is 18-20 years.

5. 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 bonds 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, Araria in connection with Forbesganj (Simraha) P.S. Case No. 141 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

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

(iii) That 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.

(iv) 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.

(Vikash Jain, J)

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