

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41098 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. SARITA DEVI @ TUNNI DEVI W/o Sujeet Kumar R/o village- Baghi, Ward No. 25, P.S.- Lohiya Nagar (O.P. Town), District- Begusarai, Bihar
 2. Saurabh Kumar Sinha @ Saurabh Kumar S/o Sujeet Kumar R/o village- Baghi, Ward No. 25, P.S.- Lohiya Nagar (O.P. Town), District- Begusarai, Bihar
 3. Sujeet Kumar S/o Nawal Kishore Prasad R/o village- Baghi, Ward No. 25, P.S.- Lohiya Nagar (O.P. Town), District- Begusarai, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bijay Soni S/o Late Nageshwar Prasad Soni Resident of Badhi, Ward No. 25, P.S.- Lohia Nagar (O.P. Town), District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-07-2019 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with POCSO Complaint Case No. 08 of 2018 (CIS No. Complaint Case (P) 81/18) registered under Section 323,341 and 504 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children from Sexual Offences Act.

Allegation against the petitioners, as per the complaint, is that on the date of occurrence i.e., 11.09.2018, complainant was at home and in the meantime, five unknown persons arrived at



in his house with arms and Sujeet Kumar (petitioner No. 3), Saurabh Kumar, Prince Kumar and Sarita @ Tunni Devi (petitioner No. 1) entered in his house and thereafter petitioner no. 3 Sujeet Kumar and Prince Kumar held the hand of the complainant's daughter and forcibly tried to take her away with ulterior motive.

Learned counsel for the petitioners submits that petitioners are innocent and the entire family has been made accused by the complainant due to previous land dispute which would be evident from Annexure-3, which is a compromise arrived at between the complainant and the family members of the petitioners some time back with regard to land dispute. Learned counsel further submits that petitioner no. 2 is son of petitioner no. 3 and petitioner no. 1 is the wife of petitioner no. 3 and they all, along with other son of petitioner no. 1, have been made accused in this case with an oblique motive. He further submits that even upon bare reading of the complaint, no offence under Sections 7 and 8 of the Protection of Children from Sexual Offences is made out.

After having heard learned counsel for the parties and taking into consideration the fact that parties are neighbour having previous land dispute between them, I am inclined to



grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Begusarai in connection with POCSO Complaint Case No. 08 of 2018 (CIS No. Complaint Case (P) 81/18); subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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