

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43808 of 2019

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA PS District- Darbhanga

1. Sri Ram Sah @ Sriram Prasad Sah, son of Late Sita Ram Sah Resident of Mohalla - Belwaganj, P.O. and P.S.- Laheriasarai, District - Darbhanga.
2. Shobha Devi @ Asha Devi, Wife of Sri Ram Prasad Sah Resident of Mohalla - Belwaganj, P.O. and P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Mahila P.S. Case No.21 of 2018 for the offence punishable under Sections 376, 506, 323 and 34 of the Indian Penal Code and 4/6 of the POCSO Act.

The allegation against the petitioners is that the son of the petitioners, Gaurav Kumar was in habit of eve-teasing and passing taunt on the informant for which she used to complain before father of Gaurav Kumar, upon which the petitioner No.1 threatened the informant with dire consequences for making a false complaints against their son.



Learned counsel for the petitioners submits that entire allegation of eve-teasing, taunting and sexual assault is upon Gaurav Kumar, son of petitioner and further the police after investigation has not sent the petitioners for trial and has only submitted chargesheet against Gaurav Kumar.

Learned counsel for the petitioners further submits that the police has submitted final form, however, learned Magistrate has differed with the police report and has taking cognizance against these petitioners.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioners are parents of accused Gaurav Kumar and further the police has submitted final form against them not sending them for trial except the son of Gaurav Kumar, as such, I am inclined to grant anticipatory bail to these petitioners.

Accordingly, both the petitioners, named above, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of
learned Ist Additional Sessions Judge-cum-Special Judge
(POCSO Act), Darbhanga, subject to the condition as mentioned
under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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