

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63955 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- IMAMGANJ District-
Gaya

- =====
1. Usha Devi W/o Tilak Mistry age about 48 years.
 2. Tilak Mistry, Aged about 50 Years S/o Shiv Lagan Mistry
Both Resident of Village- Bageya, P.S. Imamganj, District- Gaya, Bihar.
 3. Niranjana Mistry @ Niranjana Sharma Aged about 44 years S/o Saryu
Mistry R/o Village- Gurua, P.S. Gurua, District- Gaya, Bihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nagadeo Choubey, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 376, 120(B), 506/34 of the Indian Penal Code and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 registered in connection with Imamganj P.S. Case No. 93 of 2018 (POCSO Case No. 68 of 2018).

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the variously related to Rahul Kumar with whom the so-called victim girl was in love. In her statement recorded under Section 164 Cr. P.C. she has made accusation against the said Rahul Kumar and made vague and general allegation against his family members of abusing her. According to the medical report, her age has been assessed to be around 18 to 19 years. The petitioners claim clean



antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Additional Sessions Judge I cum Special Judge (POCSO Act), Gaya, in connection with Imamganju P.S. Case No. 93 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) 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.

(iv) The petitioner no. 1 shall be well represented and petitioner nos. 2 and 3 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.

(Vikash Jain, J)

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