

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44458 of 2019
Arising Out of PS. Case No.-6 Year-2019 Thana- MAHILA PS District-
Katihar

- =====
1. KHORKHAI RAY, aged about 50 years, male, S/o Late Bokai Ray R/o village- Parbheli, P.S.- Kadwa, District- Katihar
 2. Kanhaiya Ray, aged about 23 years, male, S/o Hemant Ray R/o village- Barabad Bharri, P.S.- Kadwa, District- Katihar

... .. Petitioners

Versus

1. The State of Bihar
2. Usha Devi W/o Parmeshwar Roy R/o village- Barabad Bharri, P.S.- Kadwa, District- Katihar.

... .. Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Pravin Chandra Prasad, Advocate.

For the Opposite Parties: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 452, 354(B), 380 of the Indian Penal Code and Section 8 of the POCSO Act registered in connection with Mahila P.S. Case No. 06 of 2019, G.R. No. 370 of 2019.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based F.I.R. in retaliation to Complaint Case No. 2592 of 2017 converted into F.I.R. vide Kadwa P.S. Case No. 376 of 2017 filed by the mother of the petitioner against the informant and others two days prior to the present complaint. There is considerable delay in filing the complaint on 26.04.2018 for the alleged occurrence of 21.02.2018. It is therefore submitted that the prosecution case is malicious. Similarly situated co-accused Hemant Rai has been granted bail by the learned Court below itself and the chargesheet has been filed



against him under bailable offences. No chargesheet has been filed against the petitioners. The petitioners 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 A.D.J. Ist cum Special Judge POCSO Act, Katihar in connection with Mahila P.S. Case No. 06 of 2019, G.R. No. 370 of 2019, 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 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) 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.

(Vikash Jain, J)

lbrar//-

U		T	
---	--	---	--

