

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74482 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- BAIRIYA District- West Champaran

1. Harendra Prasad Son of Late Yamuna Prasad,
2. Sanchita Devi, Wife of Sri Harendra Prasad, Both residents of Village- Malahi Tola, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366 and 366A IPC and Section 8 of the POCSO Act registered in connection with Bairiya P.S.Case No. 126 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation is against co-accused Dharmendra, while the accusation of carrying away the informant's daughter is upon three unknown persons. As such except suspicion there is no objective material to connect the petitioners with the alleged occurrence. The petitioners have been implicated merely because they happen to be the parents of the aforesaid co-accused Dharmendra. The accusation under the POCSO Act as regard the petitioners are highly improbable. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 1st Additional Sessions Judge-cum-Special Judge under POCSO Act, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 126 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 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 co-operate 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 remain physically present and petitioner no. 2 shall be well represented 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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