

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46208 of 2019

Arising Out of PS. Case No.-410 Year-2018 Thana- CHANPATIA District- West Champaran

1. Lalji Ram, 58 years M, Son of Late Devlal Ram
 2. Ramji Ram 55 years M, Son of Late Devlal Ram
 3. Madan Ram 48 years M, Son of Late Devlal Ram
 4. Mithilesh Ram @ Mithlesh Kuma 28 years M, Son of Sri Madan Ram
 5. Rohit Ram, 25 years M, Son of Sri Ramji Ram
 6. Sohit Ram 2 years M, Son of Sri Ramji Ram
 7. Arjun Ram 19 years M, Son of Sri Ramji Ram
 8. Sanjay Ram 39 years M, Son of Sri Bhikhari Ram
 9. Manoj Ram 37 years M, Son of Sri Bhikhari Ram
 10. Sushila Devi 55 years F, Wife of Sri Lalji Ram
 11. Lalchuni Devi 52 years F, Wife of Sri Ramji Ram
 12. Prabhawati Devi 46 years F, Wife of Sri Madan Ram
 13. Sunita Devi 33 years F, Wife of Sri Manoj Ram
 14. Fulmati Devi 37 years F, Wife of Sri Barhu Ram
- All residents of Village-Ambedkar Nagar, Pokhariya Rai, P.S.-Chanpatia, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-07-2019 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, 323, 376/511 and 504 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered in connection with Chanpatia P.S. Case No. 410 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event, the specific accusation of rape attracting the provisions of Section 376 of the IPC and Section 8 of the POCSO



Act are against other co-accused Manjay Ram and Binay Ram and not against these petitioners whatsoever. The accusation of assault against the petitioners is general and omnibus in nature and there is no injury report on record to corroborate such accusation. 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 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, West Champaran at Bettiah in connection with Chanpatia P.S. Case No. 410 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That petitioner nos. 1 to 9 shall be well represented in court on each and every date during trial except as and when directed by the learned court below to be physically present and petitioner nos. 10 to 14 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.

(iv) 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.

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(Vikash Jain, J)

