

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54039 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- MAHILA P.S. District- Samastipur

1. BHOLA CHAUDHARY Son of Late Surat Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
2. Ram Balak Chaudhary Son of Bhola Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
3. Tapeswar Chaudhary Son of Bhola Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
4. Arjun Chaudhary Son of Ram Chandra Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
5. Ram Babu Chaudhary Son of Late Ram Milan Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
6. Gobind Chaudhary Son of Late Ram Milan Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.
7. Deepak Chaudhary Son of Ram Balak Chaudhary, Resident of Village - Bhiraha Ward No.12, P.S.- Rosara, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-08-2019 Heard both sides.

Petitioners apprehend their arrest in Mahila P.S. Case No.28 of 2019 registered under Sections 376A, 376B, 448, 504 and 34 of the Indian Penal Code and under Section 4 of the POCSO Act.

The victim alleged that Pankaj Kumar Mahto had come to the house of his maternal grandfather and finding the



victim alone forcibly entered into her house and committed rape with her at the point of pistol. When uncle, mother and brother of the victim came, the victim informed them. On the next day the accused persons came to her house and abused the victim and her family members. They also threatened not to lodge the case.

Learned counsel for the petitioners submits that the occurrence took place on 08.05.2019 but the victim lodged the case on 21.05.2019. The petitioners are relatives of Pankaj Kumar Mahto. They never went to the house of the victim nor abused the victim and not prevented the victim or her family members to lodge the case.

Having considered the facts that the victim alleged that Pankaj Kumar Mahto committed rape with her at the point of pistol and the petitioners are relatives of Pankaj Kumar Mahto, who were not even present at the place of occurrence, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge 1st-cum-Special Judge (POCSO Act), Samastipur
in connection with Mahila P.S. Case No.28 of 2019, subject to
the conditions as laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Prabhat Kumar Jha, J)

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