

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55960 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S District- Supaul

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1. Deepak Singh, aged about 26 years, Male,
 2. Jwala Singh, aged about 36 years, Male,
 3. Raj Kumar Singh, aged about 21 years, Male,
- All are sons of Shri Rai Bahadur Singh, Village-Digdhi, P.S.-Muraliganj,
District-Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Murari Narain Chaudhary, Mr. Vijay Kumar, Advocates
For the Opposite Party	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 341, 354, 504 and 506 of the Indian Penal Code and Section 08 of the POCSO Act registered in connection with Mahila P.S. Case No. 26 of 2019 arising out of Complaint Case No. POC 5(c) of 2018.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based FIR and the accusation of misbehaving with the complainant/informant by the petitioners, all of whom are own brothers and in a broad-day light when admittedly other persons in the neighbouring fields were working, is highly improbable and doubtful. It is submitted that the present complaint filed on 20.10.2018 is in retaliation to the Complaint Case No. 750(C) of 2018 filed earlier on 14.08.2018 by co-accused Murli Singh against family members of the complainant. It is submitted that apart from the petitioners, there are other family members who have also been made accused, but the accusations are not



corroborated by any injury report. There is delay in filing the complaint on 20.10.2018 for the alleged occurrence of 13.10.2018 and institution of the FIR on 08.06.2019. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, 1st, POCSO Act, Madhubani/Incharge Successor Court in connection with Mahila P.S. Case No. 26 of 2019 arising out of Complaint Case No. POC 5(c) 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 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.

(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.

(Vikash Jain, J)

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