

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59060 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- JAMALPUR District- Munger

1. VIJAY TANTI @ VIJAY KUMAR TANTI Son of Late Raghuveer Tanti Resident of Village- Chhoti Daulatpur (Jamalpur), P.S.- Jamalpur, District- Munger.
2. Nandu Kumar @ Nandan Kumar Tanti Son of Vijay Tanti @ Vijay Kumar Tanti Resident of Village- Chhoti Daulatpur (Jamalpur), P.S.- Jamalpur, District- Munger.
3. Amarjeet Kumar @ Govinda @ Amardeep Kumar Son of Vijay Tanti @ Vijay Kumar Tanti Resident of Village- Chhoti Daulatpur (Jamalpur), P.S.- Jamalpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-09-2019 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, 354(B), 307, 384, 387, 448, 450 of the Indian Penal Code and Section 18 of the POCSO Act registered in connection with Jamalpur P.S. Case No. 41/2018.

3. It is submitted that the petitioners have been falsely implicated in a complaint based FIR in the backdrop of earlier case and counter case between the parties in Jamalpur P.S. Case No. 148/2017 and Jamalpur P.S. Case No. 149/2017. It is further submitted that the accusation under the POCSO Act is against other co-accused persons, the ingredients whereof are not attracted as concerns these petitioners. After due investigation the police submitted final form exonerating the petitioners, but differing from the same the learned



Special Judge, POCSO Act-cum-Additional Sessions Judge-I took cognizance under Sections 323, 354(B), 307, 384, 380, 448, 450 of the Indian Penal Code and under Section 18 of the POCSO Act against the petitioners. Except the aforesaid Jamalpur P.S. Case No. 149/2017 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 Special Judge, POCSO Act-cum-Additional Sessions Judge-I, Munger, in connection with Jamalpur P.S. Case No. 41/2018, 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 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)

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