

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80525 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- BASANTPUR District- Siwan

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1. Amit Sharma Son of Dindayal Sharma
 2. Raju Sharma S/o Dindayal Sharma Both Resident of village- Basantpur P.S-
Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-01-2019 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(A)/376/34 IPC and 4 of POCSO Act registered in connection with Basantpur P.S. Case No. 56 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the so-called victim girl claiming to be 18 years of age has stated in her deposition under Section 164 Cr.P.C. that she was in love with the petitioner no. 1 and had voluntarily left home for Assam and get married to him in a temple. She has not named the petitioner no. 2 in her deposition. It is therefore, submitted that the ingredients of offences as alleged are not made out against the petitioners.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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, Siwan in connection with Basantpur P.S. Case



No. 56 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 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.

Chandran/-

(Vikash Jain, J)

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