

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69619 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. Md. Chhotan Son of Late Jiledar Shekh Resident of Village- Bhilli, Via Methol, P.S.- Khodawandpur (O.P. Chhorahi), District- Begusarai.
2. Bholiya Khatoon @ Anwari Khatoon W/o Md. Chhotan Resident of Village- Bhilli, Via Methol, P.S.- Khodawandpur (O.P. Chhorahi), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State and Informant.

This is an application for grant of anticipatory bail in connection with POCSO Case No. 17 of 2019 arising out of Khodawanpur (Chhorahi) P.S. Case No. 43 of 2019 registered for the offences punishable under Sections 120B, 323, 324, 307, 380, 406, 376, 498A, 504 of the Indian Penal Code and Section 3/4 POCSO Act.

As per F.I.R. one of the accused has committed rape upon the daughter of the informant, due to which, she became pregnant. Later on, she has solemnized the marriage.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners. He further submits that petitioner no.1 is brother-in-law and petitioner no.2



is married Nanad.

Learned counsel for the informant submits that there is specific allegation against the petitioner no.2, which come in the complaint petition in para 9 and para 13 of the case diary.

In the facts and circumstances of the case, let the petitioner no.1, named above, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge, 1st cum-Special Judge, POCSO Act, Begusarai in connection with POCSO Case No. 17 of 2019 arising out of Khodawanpur (Chhorahi) P.S. Case No. 43 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

So far as, there is a specific allegation against the petitioner no.2, I am not inclined to enlarge the anticipatory bail of the petitioner no.2.

Accordingly, the application is dismissed against petitioner no.2. However, petitioner no.2 is directed to surrender before the Court below and court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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