

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82164 of 2019

Arising Out of PS. Case No.-635 Year-2018 Thana- MUFFASIL District- West Champaran

1. Bittu Kumar @ Bittu Miya (Male), aged 30 years, Son of Amrul Miya
2. Nathu Miya @ Nathu Dewan (Male), aged about 35 years, S/o Alam Dewan
Both are Resident of Village - Lalgah, P.S.- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

Two petitioners apprehend their arrest in Bettiah Muffasil P.S. Case No. 635 of 2018 registered for the offence under Sections 341, 376, 511/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, while the informant had gone to purchase some articles by her bicycle, on the way, the petitioners surrounded the informant and tried to commit rape.

It is submitted on behalf of petitioners that petitioners are innocent and false allegation has been made against them. It is further submitted that statement of the victim (informant) was recorded under Section 164 of the Cr.P.C., in which, she has not alleged any misbehaviour or ill-treatment against these petitioners. It is also submitted that police has submitted final form, in which, the case against the petitioners is not found true.



The petitioners have got clean antecedent, which fact has been stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances as well as considering the statement recorded under Section 164 Cr.P.C. of the informant and clean antecedent of the petitioners, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST, POCSO) Act, West Champaran, Bettiah in connection with Bettiah Muffasil P.S. Case No. 635 of 2018 on the following conditions:

(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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