

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.280 of 2020

Arising Out of PS. Case No.-16 Year-2019 Thana- SC/ST District- Siwan

1. Bholu Sah Son of Upendra Sah, Resident of Mohalla- Srinagar, P.S.- Siwan Muffasil, District- Siwan.
2. Sunny Sah Son of Upendra Sah, Resident of Mohalla- Srinagar, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha
For the Opposite Party/s : Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with SC/ST P.S. Case No.16 of 2019 registered for offence punishable under sections 147, 149, 323, 452, 504, 506 of the Indian Penal Code and section 8 of the POCSO Act.

It has been alleged that while the daughter of the informant used to go to the school, the petitioners along with others used to pass a filthy comment. When it was objected, they entered into the house, tried to outrage the modesty of the daughter of the complainant.



The counsel for the petitioners submits that it is a concocted story. The real fact is that for settling the score of land dispute, the present case has been filed that too after delay of about three months, but the counsel for the State has pointed out that the police case is arising from a case filed by the complainant, later on, the Presiding Officer, in exercise of power under section 156 (3) Cr.PC, referred the matter to the police to register the case and make investigation, but from the body of the complaint it appears that the complaint petition has been filed on 20.09.2018 i.e. after delay of about three months without sufficient explanation.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with SC/ST P.S. Case No.16 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property



within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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