

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2693 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- SONBERSA District- Sitamarhi

1. SUHAGIN DEVI, W/o Shivsharan Singh, Resident of Village- Sugahi, P.S.- Sahiyara, District- Sitamarhi.
2. Baidyanath Kumar, S/o Shivsharan Singh, Resident of Village- Sugahi, P.S.- Sahiyara, District- Sitamarhi.
3. Jagarnath Kumar, S/o Shivsharan Singh, Resident of Village- Sugahi, P.S.- Sahiyara, District- Sitamarhi.
4. Ranjay Kumar, S/o Shivsharan Singh, Resident of Village- Sugahi, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case got initiated on the basis of written report of Ram Bharosh Rai Yadav submitted before the Station House Officer, Sonbarsa Polce Station is to the effect tht on 11.07.2019, the daughter of the informant, Sanjeeta Kumari,



aged about 16 ½ years seduced by five accused, persons including the petitioners for the purpose of marriage.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 11.07.2019, the FIR was registered on 18.07.2019 which reached to the Court of learned ADJ on 30.07.2019 which suggests antedating of the FIR. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. got her age recorded as 20 years while the learned Court below assessed her age as 17 years. The victim claimed to have married with co-accused, Mukesh Kumar, who is son of petitioner no.1, Suhagin Devi and brother of petitioner nos. 2 and 4. Hence, no case under the POCSO Act is made out. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioners and the Court has assessed her age as 17 years. Moreover, the age of the victim has been recorded in the FIR as 16 ½ years.

Considering the fact that in the statement recorded under Section 164 of the Cr.P.C., the victim has not named the petitioners and statement made in paragraph no.3 of the petition



that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-I, Sitamarhi, in connection with Sonbarsa P.S. Case No.153 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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