

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6115 of 2020

Arising Out of PS. Case No.-813 Year-2019 Thana- SAHARSA District- Saharsa

1. LALAN RAUT @ LALAN KUMAR RAUT Son of Bishwanath Raut Resident of Mohalla - Batraha Ward No. 27 Saharsa, P.S. and Distt - Saharsa.
2. Sushila Devi @ Pinki Devi Wife of Lalan Raut @ Lalan Kumar Raut Resident of Mohalla - Batraha Ward No. 27 Saharsa, P.S. and Distt - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 363, 366, 366(A) of the Indian Penal Code and Section 6 of the POCSO Act registered in connection with Saharsa Sadar P.S. Case No. 813/2019, corresponding to POCSO Case No. 40/2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be parents of co-accused Anand Kumar @ Golu. In her statement recorded under Section 164 Cr.P.C. the so-called victim girl has categorically stated that she had voluntarily accompanied co-accused Anand Kumar @ Golu and solemnised marriage with him. She has claimed her age to be of 20 years and her age has also been assessed as 20 years. It is therefore, submitted that the ingredients of Section 366A of IPC are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, 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 1st Additional Sessions Judge-cum-Special Judge, POCSO, Saharsa, in connection with Saharsa Sadar P.S. Case No. 813/2019, corresponding to POCSO Case No. 40/2019, 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 petitioner no. 1 shall remain physically present in Court on each and every date during trial and the petitioner no. 2 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, 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.

(Vikash Jain, J)

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