

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6623 of 2020

Arising Out of PS. Case No.-343 Year-2019 Thana- JOGAPATTI District- West Champaran

1. MURARI PANDEY Son of Late Dighraj Pandey
 2. Satish Pandey @ Satish Kumar Pandey Son of Murari Pandey
 3. Shrimati Devi Wife of Murari Pandey
- All are Resident of Village - Devgharwa, P.S.-Yogapatti, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 30-06-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Informant has alleged that on 25.08.2019 at about 7:00 pm, accused Shrimati Devi (petitioner no.3) came to his house and took her daughter with her for some work by assuring



the wife of the informant that once the work is over, her daughter will return back. When daughter of the informant did not come till 10:00 p.m., he went to the house of Murari Pandey (petitioner no.1) to enquire about his daughter wherein he came to know that Shrimati Devi has sent his daughter with his younger son Satish Pandey (petitioner no.2), Bambam Mishra with the help of Murari Pandey and Himanshu Pandey and they told that his daughter will return back by tomorrow morning but she did not come. Informant along with his relatives and villagers once again went to the house of accused persons and enquired about the whereabouts of his daughter and Murari Pandey told that he will get back his daughter by tomorrow. On 31.08.2019, when informant went to the house of accused persons, he came to know that accused persons have gone somewhere else and they have lodged a case against informant.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It is further submitted that daughter of the informant has stated before the police that she was in love with co-accused Himanshu Pandey and she went along with him on her own sweet will and volition to perform marriage as his father had fixed her marriage with someone else. The informant's daughter



has stated herself to be major being aged about 19 to 20 years as has been opined by the doctor in her medical report, a copy of which has been annexed as Annexure 3. Even in her statement recorded under Section 164, Cr.P.C. she has not alleged anything against the petitioners. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Yogapatti P.S. Case No.343/2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.



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

(S. Kumar, J)

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