

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24641 of 2020

Arising Out of PS. Case No.-38 Year-2016 Thana- MAHILA PS District- Jehanabad

-
1. ANIS DAS S/o Yogeshwar Resident of Village-Khurd Ghosi, P.S-Parasbigha, District-Jehanabad.
 2. Radha Devi Wife of Bhola Das Resident of Village-Khurd Ghosi, P.S-Parasbigha, District-Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2020 Heard learned counsel for petitioners and learned
A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in Jehanabad Mahila P.S. Case No. 38 of 2016 registered for the offence under Sections 323, 376, 506/34 of the IPC and Section 4 of the POCSO Act.

As per the prosecution case, on 06.07.2016 at about 11 am petitioner No. 2 Radha Devi took the informant with her to market and when they were returning from market they alighted in a bolero in which petitioner No. 1 Anish Das and two unknown persons were sitting already. In the meantime Radha Devi got down from Bolero on pretext that she has to drink water. Petitioner No. 1 Anish Das forcefully brought the informant Patna and committed rape with her several times. It is



further alleged that he also assaulted the informant on refusing to get marry with him.

It is submitted on behalf of the petitioners that these petitioners are innocent and committed no offence. The informant is major and she voluntarily had gone with the petitioners. It is further submitted that the occurrence has taken place on 06.07.2016 but the FIR was lodged on 18.07.2016 and there is no explanation for delayed lodging of this case. The police after investigation submitted final form in this case. However, court below after differing with the same took cognizance of the offence against these petitioners under Sections 323, 376, 506/34 of the IPC and Section 4 of the POCSO Act vide order dated 26.11.2019. Petitioner No. 2 is a lady and as stated in para-3 of the bail petition they have got clean antecedent.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed. In the event of their arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the above named petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-1st Jehanabad in connection with Jehanabad Mahila P.S.
Case No. 38 of 2016 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

Sonali/-

U		T	
---	--	---	--

