

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24228 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- ISHIPUR District- Bhagalpur

1. BINDESHWARI SINGH S/o Nand Kishore Singh Resident of Village- Aurangabad, P.S.- Kahalgaon, District- Bhagalpur.
2. Sarita Devi W/o Bindeshwari Singh Resident of Village- Aurangabad, P.S.- Kahalgaon, District- Bhagalpur.
3. Sonu Kumar @ Himanshu Kumar S/o Bindeshwari Singh Resident of Village- Aurangabad, P.S.- Kahalgaon, District- Bhagalpur.
4. Arbind Kumar @ Arbind Kumar Mahto S/o Mukhram Mahto Resident of Village- Gokul Mathura, P.S.- Ishipur (Barahat), District- Bhagalpur.
5. Sanjay Kumar Singh @ Mahto @ Sanjay Kumar S/o Mukhram Mahto Resident of Village- Gokul Mathura, P.S.- Ishipur (Barahat), Distt- Bhagalpur.
6. Babita Devi W/o Sanjay Kumar Singh @ Mahto @ Sanjay Kumar Resident of Village- Gokul Mathura, P.S.- Ishipur (Barahat), District- Bhagalpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate.
For the State	:	Mr. Anil Kumar, APP.
For the Informant	:	Mr. Manohar Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-12-2020 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State through virtual Court proceedings.

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

Co-accused Monu Kumar @ Abhishek has



abducted the minor girl of the informant with a bad intention in association of the petitioners.

The petitioners are quite innocent and have been falsely implicated in this case merely on the basis of some ulterior motive, dirty village politics, malice and grudge. As a matter of fact, the daughter of the informant was in courtship with co-accused Abhishek and after lapse of about 30 days of the alleged occurrence she has been recovered and given her statement under Section 161 Cr.P.C. in which she has very fairly stated that she is aged about 18 years and with her own volition she had gone in the company of Abhishek and, later on, she has solemnized marriage with him, but, in her statement recorded under Section 164 Cr.P.C., on the coercion of her parent, she has changed her earlier statement, which creates serious doubt about the prosecution case. Petitioners have got no role to play as petitioner nos.1, 2 and 3 are father, mother and own brother, whereas petitioner nos.4, 5 and 6 are maternal brother, Mama and Mami of co-accused Abhishek. It is also submitted that victim girl has been examined by the doctor and as per the medical report the victim was found aged about 18 years and thus she is major one. Police has submitted final form against the petitioners. Petitioners have no criminal



antecedent.

On the other hand, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the co-accused, Monu Kumar @ Abhishek with the help of these petitioners has kidnapped the victim girl and forcible intercourse was made by him. Hence, the petitioners do not deserve anticipatory bail.

Vide order dated 04.12.2020, this Court had directed the learned counsel for the petitioners to file a supplementary affidavit stating therein that whether the co-accused Monu Kumar @ Abhishek Kumar has surrendered before the learned Court below or not. In compliance thereof, a supplementary affidavit is on record in which it is stated that the co-accused Monu Kumar @ Abhishek Kumar has surrendered on 10.12.2020 and surrender slip has also been annexed as Annexure-A to the supplementary affidavit.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



A.D.J.-I-cum-Special Court (POCSO), Bhagalpur in connection
with Ishipur Barahat P.S. Case No. 29 of 2019, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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