

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27655 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- RAGHOPUR District- Supaul

1. Baleshwar Sutihar Son of Sri Harilal Sutihar Resident of Village- Simrahi, P.S.- Raghapur, District- Supaul
2. Kishundeo Sutihar Son of Sri Harilal Sutihar Resident of Village- Simrahi, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.M.K.Nirala,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 20-10-2020 Heard learned counsel for the petitioners as well as learned A.P.P. for the State through video conferencing.

The petitioners seek bail in POCSO Case No. 64 of 2019, arising out of Raghapur P.S. Case No. 256 of 2019, registered for the offence under Section 366(A)/34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, on 25-11-2019 at about 7 PM, the daughter of the informant aged about 12 years had gone to lock the outside gate, but she was enticed away by these two petitioners alongwith other co-accused.

It is submitted on behalf of petitioners that petitioner no. 1 is father and petitioner no. 2 is uncle of co-accused Raju



Kumar. It is further submitted that petitioners have been implicated in this case only because they are close relatives of co-accused Raju Kumar, with whom the victim was in love and also said to have eloped with him. It is further submitted that there is general and omnibus allegation and no specific allegation has been made against these petitioners. It is also submitted on behalf of petitioners that there is delay of eight days in lodging the F.I.R., as the victim went missing on 25-11-2019, but F.I.R. has been lodged belatedly on 02-12-2019 and there is no explanation for the same. In this case, chargesheet has already been submitted and petitioners are in custody since 03-12-2019.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed. Let the above-named petitioners be released 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 I-cum-Special Judge, Supaul in connection with POCSO Case No. 64 of 2019, arising out of Raghapur P.S. Case No. 256 of 2019, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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