

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65589 of 2019**

Arising Out of PS. Case No.-139 Year-2018 Thana- KAMTAUL District- Darbhanga

1. DAIRANI DEVI W/o Lakshman Sahani, Resident of Village - Brahampur West Pounad Tola, P.S.- Kamtaul, Dist.- Darbhanga.
2. Arti Devi D/o Lakshman Sahani Resident of Village - Brahampur West Pounad Tola, P.S.- Kamtaul, Dist.- Darbhanga.
3. Raj Kumari Devi Wife of Bilas Sahani Resident of Village - Brahampur West Pounad Tola, P.S.- Kamtaul, Dist.- Darbhanga.
4. Bipin Sahni Son of Bilas Sahni Resident of Village - Brahampur West Pounad Tola, P.S.- Kamtaul, Dist.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 05-03-2020 Heard learned Counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 366A, 376/34 of the Indian Penal Code and Sections 3/4 of POCSO Act.

The prosecution case as per the Raudi Das submitted



before the S.H.O., Kamtaul Police Station, Darbhanga is to the effect that on 25.04.2018 at 8.00 P.M., the informant's daughter Guriya Kumari aged about 14 years went to ease out, but she did not return and it is alleged that she has been enticed away by co-accused, Arjun Sahni and Bipin Sahni and on the pretext of marriage, she has been sexually exploited. It is alleged that on 26.05.2018, the victim came back to the house and conveyed to the informant that the co-accused, Arjun Sahni established forceful physical relationship with her and the other co-accused persons enticed away her.

It is submitted by learned counsel for the petitioners that in the statement of the victim girl recorded under Section 164 of the Cr. P.C., she has admitted that she has performed marriage with co-accused, Arjun Sahni. Moreover, the thrust of accusation is against co-accused, Arjun Sahni and general and omnibus accusation has been made against the petitioners only because of the fact that the petitioners are the family members of co-accused, Arjun Sahni. Moreover, the doctor has opined the age of the victim girl between 17-18 years. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the State that the



victim has stated in statement under Section 164 of the Cr. P.C. that co-accused, Arjun Sahni, on the point of knife established forceful physical relationship with her when petitioner no.4, Bipin Sahni assaulted her.

Considering the specific accusation of assault against petitioner no.4, Bipin Sahni, this Court is not inclined to release him on anticipatory bail.

Let the learned Court below consider the prayer for regular bail of petitioner no.4, if he surrenders within a period of six weeks in connection with Kamtaul (Darbhanga) P.S. Case No. 139 of 2018, pending before the learned 1st ADJ-cum-Special Judge, POCSO, Darbhanga.

Considering the specific accusation against co-accused, Arjun Sahni and general and omnibus accusation being made against the petitioner nos. 1 to 3 who are mother and married sister of co-accused, Arjun Sahni coupled with statement made in paragraph no.3 of the petition that the petitioner nos. 1 to 3 are not having any criminal antecedent, let petitioner nos. 1 to 3 above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st A.D.J.- cum-



Special Judge, POCSO, Darbhanga, in connection with Kamtaul
(Darbhanga) P.S. Case No. 139 of 2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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