

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85640 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

1. Sunil Sah @ Sushil Sah, male, aged about 40 years, son of late Vipat Sah
2. Ramu Sah, male, aged about 35 years, S/o late Vipat Sah
3. Jokhan Sah, male, aged about 30 years, S/o late Vipat Sah,
all are resident of Village - Madhuban, P.S. Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Manju Sharma

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-02-2020 Heard Mrs. Manju Sharma, learned counsel for the
petitioners and learned Additional Public Prosecutor for the
State.

Petitioners apprehend their arrest in connection with
Muzaffarpur Mahila P.S. Case No. 36 of 2019, registered for the
offence punishable under Sections 376, 323, 341/34 of the
Indian Penal Code, 1860 and Section 4 of the POCSO Act.

The allegation against the petitioners as per the First
Information Report lodged by one Anshu Kumari stating therein
that the informant was living at her maternal grandfather's
residence along with her mother and the co-accused Deepak Sah



called her at his house on the pretext of giving her wages for working in his field. When the informant visited the house of Deepak Sah, she was raped by Deepak Sah. The informant has further alleged that in the meanwhile brothers of Deepak Sah namely, Sunil Sah, Ramu Sah and Jokhan Sah came and all the accused persons threatened the informant with dire consequences if the incident would be disclosed by the informant to anybody else.

Mrs. Manju Sharma learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as from bare perusal of the First Information Report it is evident that the allegation of rape is not against these petitioners, but specific allegation is there against the co-accused Deepak Sah. Learned counsel further submits that since petitioners are brothers of Deepak Sah, therefore, they have been also implicated in the present case. Learned counsel further submits that Police submitted charge sheet against Deepak Sah and up till now no charge sheet has been submitted against these petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the First Information Report it is evident that specific allegation of rape



is against the co-accused Deepak Sah and not against these petitioners, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

praful/-

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

