

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87061 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- GAMAHARIYA District- Madhepura

1. Roshan Kumar @ Pappu @ Roshan @ Pappu Kumar Son of Fuleshwar Yadav
2. Surendra Yadav @ Surendra Kumar Son of Mahendra Yadav

Both resident of Village - Koshlipatti, P.S.- Pipra, Distt - Supaul.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Gamhariya P.S. Case No. 143 of 2018 registered for the offences punishable under Sections 341, 323, 354A, 354D, 504, 506/34 of the Indian Penal Code and Section 12 of POCSO Act.

The accusation against the petitioners is that they forcibly took the victim with mala fide intention and also made attempt to outrage her modesty.



The statement of victim has been recorded under Section 164 of the Cr.P.C. in which she supported the above stated story and disclosed that on 29.08.2018, she was forcibly taken away by the petitioners and thereafter, she was made confined in the house of sister of petitioner no. 1 but subsequently, she was released by the petitioners.

Learned counsel appearing for the petitioners submits that the written report of the victim reflects that she was in love with petitioner no. 1 as she has admitted in her written statement that she was on talking term with petitioner no. 1 prior to the alleged occurrence. Learned counsel of the petitioners further submits that as a matter of fact, the victim lodged the present case and made her statement under Section 164 of the Cr.P.C. on the pressure of her family members.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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, Madhepura in Gamhariya



P.S. Case No. 143 of 2018, subject to conditions as laid down
under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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