

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31724 of 2020

Arising Out of PS Case No.-36 Year-2020 Thana- TANDWA District- Aurangabad

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1. Rupesh Kumar, aged about 20 years, Male, Son of Suresh Ram.
 2. Ajay Kumar, aged about 18 years, Male, Son of Arjun Ram.
 3. Pawan Kumar, aged about 24 years, Male, Son of Vijay Kumar.
Both are resident of Village- Gosaidih, PS- Tandwa, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Jha, Advocate
For the State	:	Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ranjit Jha, learned counsel for the petitioners and Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Tandwa PS Case No. 36 of 2020 dated 16.05.2020, instituted under Sections 341, 323, 354A and 379/34 of the Indian Penal Code and 12 of the Protection of Children from Sexual Offences Act, 2012.



4. The allegation against the petitioners is that they had slammed the daughter of the informant on the ground and tried to take her away and when her mother ran towards them, they snatched gold chain from her neck.

5. Learned counsel for the petitioners submitted that the parties are co-villagers and they were in the field and some dispute took place but no such incident had taken place and they have been falsely implicated. It was submitted that for the same incident, counter case has also been lodged in which the informant side had assaulted and broken the hand of the family members of the informant of the other case. Learned counsel submitted that the allegation is general and omnibus and not of any specific overt act by the petitioners and the only allegation is that attempt was made to take the daughter of the informant away. Learned counsel submitted that the petitioners have no other criminal antecedent.

6. Learned APP submitted that the petitioners tried to take away the daughter of the informant after slamming her on the ground.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned VIth Additional District and Sessions Judge cum- Exclusive Special Judge (POCSO), Aurangabad, Bihar in Tandwa PS Case No. 36 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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