

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34176 of 2020

Arising Out of PS. Case No.-757 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. RANJAN SAH S/o Durbal Sah @ Diboal Sah Resident of Village- Hardiya Ward No.11, P.S.- Raghunathpur O.P. (Turkauliya), District- East Champaran.
 2. Shatrudhan Sah @ Shatruhan Sah S/o Durbal Sah @ Diboal Sah Resident of Village- Hardiya Ward No.11, P.S.- Raghunathpur O.P. (Turkauliya), District- East Champaran.
 3. Yamuna Sah S/o Durbal Sah @ Diboal Sah Resident of Village- Hardiya Ward No.11, P.S.- Raghunathpur O.P. (Turkauliya), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2021 Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 448, 376, 511, 354(D), 341, 323, 504, 506, 379/34 of the Indian Penal Code and Sections 4/8 of POCSO Act.

Allegation is that the petitioner No.1 entered into the



house of the informant and attempted to commit rape on her and when the victim and her parents went to the house of the petitioner No.1, then all the petitioners abused and assaulted them.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegation, the petitioner No.1 is said to have made attempt to commit rape upon the victim. Subsequently in course of investigation, said allegation is found to be false and the charge sheet has not been submitted for an offence under Section 376 I.P.C. The court below has differed with the said police report and taken cognizance for the offence under Section 376 I.P.C. and other allied Sections of I.P.C. and Sections 4 & 8 of POCSO Act.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No.757 of 2019, POCSO Trial No.09 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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