

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40026 of 2020

Arising Out of PS. Case No.-86 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. SHOVIT RAY @ RAM SHOBHA RAY Son of Late Nemdhari Ray Resident of Village - Balua Kharhua, P.S. - Mahindwara, District - Sitamarhi.
2. Hari Ray Son of Ramkinkar Ray @ Kinki Ray Resident of Village - Balua Kharhua, P.S. - Mahindwara, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Mahindwara P.S. Case No. 86 of 2020, registered under Sections 363, 366A, 376, 504/34 of the Indian Penal Code and Sections-4 & 6 of POCSO Act as well as Sections-3(i)(xi)(xii) of the SC/ST Act.

The prosecution case, in short, is that on the alleged dated of occurrence, the informant's daughter was sleeping. All of a sudden, the accused persons came at the informant's house and took away informant's daughter forcibly with intention to solemnize marriage. The victim is said to have been ravished by one Ram Pravesh Kumar.



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 been falsely implicated in the present case. The victim has been recovered and her statement u/S 164 Cr.P.C. was recorded. So far petitioners are concerned, there is no allegation of sexual or physical assault alleged against them. The allegation of sexual abuse is alleged against the co-accused namely Ram Pravesh Kumar. The alleged occurrence is said to have taken place on 29-06-2020. The case was instituted on 17-07-2020. The delay in instituting the FIR has not been explained by the prosecution. No specific allegation has been made against the petitioners.

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

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi in connection with Mahindwara P.S. Case No. 86 of 2020 subject to the conditions as laid down under Section 438(2)



of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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