

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6203 of 2021**

Arising Out of PS. Case No.-718 Year-2020 Thana- KANKARBAG District- Patna

1. Dulari Devi, wife of Late Lapatu Kewat Resident of Mohalla- Chinta Sadan, Prithvipur, Chiraiyatar, P.S.- Kankarbagh, Distt- Patna.
2. Poonam Devi, wife of Satlok @ Satlok Kumar
3. Satlok Kumar @ Satlok, son of Yugeshwar Prasad
Both resident of Mohalla- Tarkeshwar Path, P.S.- Kankarbagh, Distt- Patna.
At present resident of village- Malbiga, P.S.- Chandi, Distt- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-12-2021 Heard learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Special (POCSO) Case No. 176 of 2020 (arising out of Kankarbagh P.S. Case No. 718 of 2020) registered for the offences punishable under Sections 363, 366(A) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (in short the “POCSO Act”). They have no criminal antecedent as stated in paragraph ‘3’ of the application.

Learned counsel for the petitioners submits that from



the First Information Report itself it will appear that the allegation of kidnapping of the victim girl has been made against one Rahul Kumar. It is alleged that he had kidnapped the girl with an intention to marry her. So far as petitioner no. 1 is concerned, she happens to be the mother of said Rahul Kumar. Petitioner no. 2 is the married sister of Rahul Kumar and petitioner no. 3 is the brother-in-law (sister's husband) of Rahul Kumar. They have been made accused alleging that they are also involved in this occurrence. The F.I.R. admits that petitioner nos. 2 & 3 are living separately in Tarkeshwar Path.

Learned counsel submits that the victim girl has come back and the co-accused Rahul Kumar is presently in judicial custody. He has already been charge-sheeted. So far as these petitioners are concerned, the investigation against them is pending and in course of her statement under Section 161 Cr.P.C. the victim girl has not stated a single word against these petitioners.

Learned A.P.P. for the State has though opposed the pre-arrest bail of these petitioners, considering the kind of relationship of these petitioners with the said Rahul Kumar there being no specific allegation against them and the co-accused Rahul Kumar is already in judicial custody, so far as these



petitioners are concerned, this court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 1st, Patna in connection with Special (POCSO) Case No. 176 of 2020 (arising out of Kankarbagh P.S. Case No. 718 of 2020), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

