

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12293 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- BAIRIYA District- West Champaran

1. Surendra Prasad Son Of Late Radha Kisun Prasad Resident Of Village - Balua Rampurwa, P.S.- Bairiya, Distt.- West Champaran.
2. Bhagwani Devi W/O Surendra Prasad Resident Of Village - Balua Rampurwa, P.S.- Bairiya, Distt.- West Champaran.
3. Mantu Kumar Son Of Surendra Prasad Resident Of Village - Balua Rampurwa, P.S.- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2022 Learned counsel for the petitioner submits that the age of petitioner no.3 is wrongly mentioned in first page of the bail petition. He is directed to correct it in the course of the day.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State assisted by learned counsel for the informant.

Learned counsel for the petitioners undertake to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 366(A) and



34 of the Indian Penal Code and under Section 12 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that petitioner no.1 is father, petitioner no.2 is mother and petitioner no.3 is the younger brother of the co-accused Ravi Kumar. He submits that the age of the victim is 18 years, therefore, no case is made out against the petitioners under POCSO Act. He submits that marriage of the victim and co-accused has already been solemnized. Learned counsel for the petitioner has shown the marriage certificate in the course of the arguments. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case there is no specific overt act against the petitioners, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in connection with Bairiya P.S. Case No. 204 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Let the marriage certificate shown by the petitioner be kept on the record.

(Anjani Kumar Sharan, J)

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