

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15921 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- RAJEPUR District- East Champaran

1. LALTI DEVI W/o Pukar Sah Resident of Village - Lalhadpur, P.s.- Rajepur, Distt.- East Champaran.
2. Rajesh Kumar Son of Vishwanath Sah Resident of Village - Lalhadpur, P.s.- Rajepur, Distt.- East Champaran.
3. Kamal Sah Son of Bindeshwari Sah Resident of Village - Lalhadpur, P.s.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 306, 354B, 504, 506/34 of the Indian Penal Code, section 8/12 of POCSO Act and section 3(i)(r)(s) w(i) of SC/ST Act.

Allegedly, petitioner no.2 namely Rajesh Kumar entered



in the house of the informant and molested his daughter. The petitioners alongwith other co-accused persons threatened his daughter due to which she committed suicide .

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case at the instance of their enemies. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no concern with the deceased. There is no direct allegation against the petitioners. Petitioners have one criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the deceased was a minor and there is a specific overt act against the petitioner no.2 namely Rajesh Kumar.

Having regard to the facts and circumstances of the case, since there is a specific overt act against the petitioner no.2, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, there is a general and omnibus allegation



against the petitioner nos. 1 and 3, let the above named petitioner nos. 1 and 3 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond 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 Rajepur P.S. Case No.59 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also the following condition(s):-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his



bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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