

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15504 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- DHANAHA District- West Champaran

1. Rambriksh Kushwaha Son Of Late Deepa Kushwaha Resident Of Village - Dahwa, P.S. - Dhanaha, District - West Champaran.
2. Kamlesh Kushwaha @ Kamlesh Gaddi Son Of Sri Rambriksh Kushwaha Resident Of Village - Dahwa, P.S. - Dhanaha, District - West Champaran.
3. Krishna Kushwaha Son Of Sri Nathuni Kushwaha Resident Of Village - Sheikhpura, P.S. - Padrauna, District - Kushinagar (U.P.)
4. Kanhaiya Kushwaha @ Kanhaiya Son Of Sri Dhupram @ Dhupraj Kushwaha Resident Of Village - Sheikhpura, P.S. - Padrauna, District - Kushinagar (U.P.)
5. Ashok Kushwaha Son Of Sri Dhanraj Kushwaha Resident Of Village - Lampura Jungle, P.S. - Padrauna, District - Kushinagar (U.P.)

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application against petitioner no.1, Ram Briksh Kushwaha.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn against the petitioner no.1.

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

The petitioner nos.2, 3, 4 and 5 seek bail in



anticipation of their arrest in a case registered for the offences punishable under Sections 366/ 34 of the Indian Penal Code and Section 8 of the POCSO Act.

The learned counsel for the petitioners submits that after investigation, police submitted charge-sheet under Section 366/ 34 of the I.P.C. and Section 8 of the POCSO Act against co-accused Mukesh Raj Kushwaha and as far as these petitioners are concerned, police after threadbare investigation submitted final form, charge-sheet No.37 of 2022 dated 18.01.2022.

The learned counsel submits that the learned Court below, differing with the police investigation, has taken cognizance under Section 366A of the I.P.C. and Section 8 of the POCSO Act against the petitioners. The learned counsel submits that petitioners are persons with clean antecedent and the victim has returned and her statement was recorded under Section 164 of the Cr.P.C. wherein she has stated that she married Mukesh Raj Kushwaha and has not alleged anything against the present petitioners. It is next submitted that there was an inordinate delay in instituting the F.I.R. Also as the F.I.R. was lodged on 06.12.2021 i.e. after a delay of 17 days as the occurrence had taken place on 19.11.2021.



Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhanaha P. S. Case No.212 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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