

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18740 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- KALYANPUR District- East Champaran

1. Madhu Kumari D/O- Bhagirath Sah R/O Village- Kalyanpur Tola, Manglapur, P.S.- Kalyanpur, District- East Champaran
2. Sukani Devi Wife Of Bhagirath Sah R/O Village- Kalyanpur Tola, Manglapur, P.S.- Kalyanpur, District- East Champaran
3. Dawan Sah Son Of Late Mehendi Lal Sah R/O Village- Kalyanpur Tola, Manglapur, P.S.- Kalyanpur, District- East Champaran

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners and learned
APP for 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 a case
registered under Sections 363, 366(A) of the Indian Penal Code
and Sections 6 and 8 of POCSO Act.

The prosecution case, in short, is that the accused
persons have kidnapped the daughter of the informant for the
purpose of marriage. .



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 made accused due to mistake of fact. The names of the petitioners have transpired merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in this case. The date of occurrence is said to be 13.11.2021 for which F.I.R. was instituted on 04.01.2022. The delay in lodging the F.I.R. has not been explained. Petitioner nos. 1 and 2 are ladies. Petitioner no. 3 is a 70 years old man.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-7th -cum- Special Judge, POCSO Act, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 09 of 2022, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

(Sudhir Singh, J)

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