

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28490 of 2021

Arising Out of PS. Case No.-398 Year-2020 Thana- KOTWA District- East Champaran

1. TINKU RAM @ ARJUN KUMAR RAM Son of Yadolal Ram, Resident of Village - Bishunpur, P.S. Kotwa, District- East Champaran.
2. Pintu Ram Son of Yadolal Ram, Resident of Village - Bishunpur, P.S. Kotwa, District- East Champaran.
3. Tunna Ram Son of Dhanai Ram, Resident of Village - Bishunpur, P.S. Kotwa, District- East Champaran.
4. Pankaj Ram @ Pankaj Kumar Son of Bigan Ram, Resident of Village - Bishunpur, P.S. Kotwa, District- East Champaran.
5. Ratnesh Ram @ Ratnesh Kumar Son of Yadolal Ram, Resident of Village - Bishunpur, P.S. Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar Rashmi Jha Mr. Sharad Kumar Verma
For the Opposite Party/s :		Mr. Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 11-04-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Kotwa (Bhopatpur) P.S. Case No. 398 of 2020 registered for offence punishable under sections 363, 366 (A) of the Indian



Penal Code and sections 8, 12 of the POCSO Act.

As per allegation, the accused persons kidnapped the daughter of the informant.

The learned counsel for the petitioners has submitted that the entire family members of petitioners have been implicated in this case and both the parties have amicably settled their dispute and compromised the case. The xerox copy of compromise petition is annexed as Annexure-2. He has submitted further that the victim is major as her age was found by the Medical Board between 17 ½ and 18 ½ years.

On the other hand, Mr. Shailendra Kumar, the learned APP for the State has opposed the prayer for bail and submitted that in the medical report, it was found that the sexual relation was done with her. He has also submitted that the victim, in her statement under section 164 of the Cr. PC., has supported the case.

The learned counsel for the petitioners has submitted that there is every likelihood of marriage between the victim and the brother of the present petitioner, Mukur Kumar Ram.

The age of the victim has been found by the Medical Board between 17 ½ and 18 ½ years and she along with the informant compromised the case.



Considering the above-mentioned facts and circumstances, let the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned 6th Additional District and Sessions Judge, POCSO Act, East Champaran at Motihari in connection with Kotwa (Bhopatpur) P.S. Case No. 398 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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