

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23474 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- SATHI District- West Champaran

1. RAJESH SAH Son of Late Pahawari Sah Resident of Village - Khekhariya Tola Chegauna, Ward no.07, P.S.- Shikarpur, Distt.- West Champaran.
2. Kanti Devi W/o Rasjesh Sah Resident of Village - Khekhariya Tola Chegauna, Ward no.07, P.s.- Shikarpur, Distt.- West Champaran.
3. Ravi Sah Son of Rajesh Sah Resident of Village - Khekhariya Tola Chegauna, Ward no.07, P.s.- Shikarpur, Distt.- West Champaran.
4. Ramesh Sah Son of Late Pahawari Sah Resident of Village - Khekhariya Tola Chegauna, Ward no.07, P.s.- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code read with Sections 8 and 12 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no. 2 is a woman and the informant alleges that his minor daughter aged 16 years had gone to attend wedding at his relatives place from



where she went missing on 20.11.2021, further on 28.11.2021 informant received a call from his daughter who disclosed that Vikash had kidnapped her and is exploiting her sexually, thus alleges on the basis of suspicion that the petitioners were also involved in the occurrence.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and from bare perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged that his daughter called and informed that she has been kidnapped by Vikash and he is exploiting her thus it is submitted that the daughter of the informant did not even remotely inform the informant that the petitioners are also involved in the occurrence. It is next submitted that petitioner no.1 is father of Vikash, petitioner no.2 is mother of Vikash, petitioner no.3 is brother of Vikash and petitioner no.4 is uncle of Vikash. Learned counsel submits that it absolutely does not stand to reason that the parents of Vikash along with his brother and uncle would have committed the occurrence in connivance with Vikash, it is further submitted that Vikash and the victim were in love as such she fled with him and this fact was in knowledge of the informant, or else the FIR would have been instituted on 20.11.2021 i.e., the date on



which the occurrence is alleged to have taken place and not on 01.12.2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Sathi P.S. Case No. 229 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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