

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31208 of 2022

Arising Out of PS. Case No.-79 Year-2019 Thana- GAUNAHA District- West Champaran

1. ANJALI DEVI W/o Late Angad Sah Resident of Village- Amolwa, P.S.- Gaunaha, District- West Champaran.
2. Amaresh Kumar S/o Late Angad Sah Resident of Village- Amolwa, P.S.- Gaunaha, District- West Champaran.
3. Arjun Kumar @ Arjun Sah S/o Late Angad Sah Resident of Village- Amolwa, P.S.- Gaunaha, District- West Champaran.
4. Soni Kumari D/o Late Angad Sah Resident of Village- Amolwa, P.S.- Gaunaha, District- West Champaran.

... .. 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. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-11-2022 At the outset, It is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner nos.1 & 4 namely, Anjali Devi and Soni Kumari respectively.

Permission is accorded.

This application is dismissed as withdrawn against petitioner nos.1 & 4 namely, Anjali Devi and Soni Kumari respectively.

So far as, rest of the petitioners are concerned, the instant application for anticipatory bail has been filed by the



petitioners apprehending their arrest in connection with Gaunaha P.S. Case no. 79 of 2019 instituted for the offence under Sections 376, 506/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

It is a case of commission of rape upon the minor daughter of informant, aged about 14 years by his co-villager Akhilesh Sah.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been made accused in this present case just because they are the family members of main accused person. It is further submitted that the statement of victim recorded under section 164 of Cr.P.C., the main allegation of committing rape is against co-accused Akhilesh Sah and she did not whisper about the complicity of these petitioners. It is further submitted that the petitioners were not sent up for trial during investigation.

Learned APP appearing for the state has opposed the prayer of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioner nos. 2 & 3 on bail. The petitioner nos. 2 & 3 namely, Amaresh Kumar and Arjun Kumar respectively are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Gaunaha P.S. Case no. 79 of 2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-Cum-the Special Judge, under POCSO Act, West Champaran, Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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