

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41033 of 2022

Arising Out of PS. Case No.-110 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. BIJO SADA Son of - Janardan Sada Resident of Village - Gamhariya, P.s.- Sour Bazar (Baijathpur O.P.), Dist.- Saharsa.
2. MALA DEVI Wife of Kailu Sada Resident of Village - Gamhariya, P.s.- Sour Bazar (Baijathpur O.P.), Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Umeshanand Pandit

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

ORAL ORDER

2 03-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioners as well as learned APP for the State.

In this case, the petitioners are seeking regular bail in connection with POCSO (Spl) Case No. 12 of 2020 arising out of Sourbazar P.S. Case No. 110 of 2019, registered for the offences punishable under Section 376/34 of the IPC and Section 4, 8 and 12 of the POCSO Act.

Petitioner no. 1 is maternal uncle of co-accused Sumit Sada and petitioner no. 2 is mother of Sumit Sada. As per



allegation, the petitioners pressurized the victim to solemnize marriage with Sumit Sada.

Learned counsel for the petitioners has submitted that the matter was investigated and final form was submitted against the petitioners but the learned Magistrate differing with the opinion of the investigating authorities has taken cognizance. He has also submitted that Sumit Sada has been granted bail by this Court in Cr. Misc. No. 56976 of 2019 and the case of the petitioners is on better footing than that of co-accused Sumit Sada and they are the persons of clean antecedents.

Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.S.J. 6th cum Special Judge (POCSO) Saharsa in connection with POCSO (Spl) Case No. 12 of 2020 arising out of Sourbazar P.S. Case No. 110 of 2019, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) If the petitioners are found involved in future in



the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

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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