

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51837 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. AWADHESH MAHTO Son of Late Mahanth Mahto Resident of Village - Sagrauwa, P.S. - Purushottampur, District - West Champaran.
 2. Kashi Paswan Son of Late Baldeo Paswan Resident of Village - Sagrauwa, P.S. - Purushottampur, District - West Champaran.
 3. Gaudam Paswan Son of Sri Ram Pravesh Paswan Resident of Village - Sagrauwa, P.S. - Purushottampur, District - West Champaran.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Learned counsel for the petitioners filed a supplementary affidavit in Court.

Let it be kept on record.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 354B, 341 & 379 of the Indian Penal Code and Section 8/17 of the Protection of Children from Sexual Offences Act, 2012.

Petitioners in association of other co-accused are said to have committed rape against the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case at the instance of their enemies. Learned counsel for the petitioners further submits that after investigation the police has submitted the final form against the petitioners but the learned Court differing with the police report has taken cognizance against the petitioners. The victim girl in her statement recorded under Section 164 Cr.P.C. has not supported the prosecution case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Purushottampur P.S. Case No.76 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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