

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43249 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- MAHILA P.S. District- Araria

1. Anita Devi Wife of Chandan Ram Resident of village- Bhargama, Ward No-7, P.S- Bhargama, Dist- Araria, Bihar, Pin-854334
2. Mayanand Ram Son of Chandan Ram Resident of village- Bhargama, Ward No- 7, P.S- Bhargama, Dist- Araria, Bihar, Pin-854334
3. Pooja Kumari D/o Chandan Ram Resident of village- Bhargama, Ward No-7, P.S- Bhargama, Dist- Araria, Bihar, Pin-854334

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code and Section 04 of the POCSO Act.

As per prosecution case, in short, is that on 04.12.2021 when the informant was taking her goat one lady who is neighbour taken her to his house and all named accused persons were sitting there. She further alleged that accused Dayanand and Simpi taken her forcibly and Accused Dayanand



gave sindoor and prior to that accused Dayanand sexually assaulted her and when she told to marry with her then he always try to deviate from his words. He further alleged that all the named accused persons demanded two lakh and one motorcycle and thereafter they ousted his son from his house.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence is 04.12.2021 but the present F.I.R. was instituted on 11.01.2022 after delay of more than one month without giving any explanation of delay. He further submits that it appears from the F.I.R. that there is direct allegation against co-accused namely Dayanand Ram who sexually assaulted and forcibly married with the victim. He further submits that the petitioner no. 1 is mother of co-accused Dayanand Ram and petitioner nos. 2 and 3 are brother and sister of co-accused Dayanand Ram and there is no allegation of overt act or any involvement in the present occurrence. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has not stated anything against the petitioners.

Learned APP for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Court below where the case is pending in connection with Araria Mahila P.S. Case No. 02 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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