

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58797 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- BHANGHA District- West Champaran

1. RANJEET SAH S/o Lalbabu Sah Resident of Village- Panchrukhi, P.s.- Bgangaha, Dist- West Champaran.
2. Sandeep Kumar @ Sandeep Kumar Sah S/o Lalbabu Sah Resident of Village- Panchrukhi, P.s.- Bgangaha, Dist- West Champaran.
3. Lalbabu Sah S/o Late Kedar Sah Resident of Village- Panchrukhi, P.s.- Bgangaha, Dist- West Champaran.
4. Renu Devi W/o Lalbabu Sah Resident of Village- Panchrukhi, P.s.- Bgangaha, Dist- West Champaran.
5. Munni Lal Kushwaha S/o Hari Lal Kushwaha Resident of Village- Sedhawa, P.S.- Bhangaha, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

Learned counsel for the petitioners seeks permission
of the Court to withdraw the present application in respect of
petitioner nos. 1 to 3 as they have been taken into judicial
custody.



The application is dismissed as withdrawn in respect of petitioner nos. 1 to 3.

The petitioner nos. 4 and 5 are apprehending their arrest in a case registered under Sections 366A, 379, 34 of the Indian Penal Code 12 of POCSO Act and 3(1)(r)(s), 3(2)(Va) of SC/ST (POA) Act.

Prosecution allegation, in short, is that the accused persons including the petitioners abducted the daughter of the informant and thereafter assaulted the informant.

It has been submitted on behalf of the petitioner nos. 4 and 5 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against petitioner nos. 4 and 5. The petitioner nos. 4 and 5 have been made accused due to mistake of fact. On recovery, the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has stated that she had left the house out of her own will. There is no allegation of physical or sexual assault alleged against petitioner nos. 4 and 5. The said statement of the victim is Annexure-2 to the present application and does not support the allegations made in the F.I.R.

On behalf of the State, it is submitted that the petitioner nos. 4 and 5 are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner nos. 4 and 5 , above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional District & Sessions Judge-cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Bhangaha P.S. Case No. 78/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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