

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57232 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- BANDHUWA KURAWA District- Banka

1. DHANESHWAR PASWAN Son of Late Lakhan Paswan Resident of Village- Madhopur, P.S.- Bandhwa Kurwa, District- Banka.
2. Renu Devi Wife of Dhaneshwar Paswan Resident of Village- Madhopur, P.S.- Bandhwa Kurwa, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 16-05-2022 Heard both sides.

Petitioners apprehend their arrest in Bandhua Kurawa P.S. Case No.44 of 2020 registered under Sections 366A and 34 of the Indian Penal Code. Later on, sections 376 of the I.P.C. and 4 of the POCSO Act have been added after submission of charge sheet.

Learned counsel for the petitioners submits that the petitioners have committed no offence and have falsely been implicated in this case. It is further submitted that the F.I.R. has been lodged after two weeks of the alleged occurrence. The victim in her statement under Section 164 of the Cr.P.C., after recovery, did not say as alleged against the petitioners

(Annexure 2). The police considering the entire material submitted final form but the court below differing with the view took cognizance, vide Annexure 3 to this petition. The petitioners have got no criminal antecedent.

Having considered the above facts and circumstances of the case, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing personal bonds to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, (POCSO), Banka in connection with Bandhua Kurava P.S. Case No.44 of 2020 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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