

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64862 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- SONBERSA District- Sitamarhi

1. Sulekha Devi W/o- Shankar Prasad @ Sankar Mahato Resident of Village- Jay Nagar, P.O.- Bandarjhula, P.S.- Sonbarsa, District- Sitamarhi.
2. Summi Kumari D/o- Shankar Prasad @ Sankar Mahato Resident of Village- Jay Nagar, P.O.- Bandarjhula, P.S.- Sonbarsa, District- Sitamarhi.
3. Sonam Kumari D/o- Shankar Prasad @ Sankar Mahato Resident of Village- Jay Nagar, P.O.- Bandarjhula, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

. ... Opposite Party

Appearance :

For the Petitioners

Mr.Anirudh Mishra and Mr. Amit Mishra, Advocate

For the Opposite Party

:Mr.Sanjay Kumar Tiwary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-07-2022

Heard learned counsel for the parties.

The petitioners seeks pre-arrest bail in a case registered for the offence under Sections 363, 366A of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, all the accused persons including this petitioner kidnapped the daughter of the informant for the purpose of marriage.

It is submitted that specific allegation of commission of rape is against co-accused Shubham Kumar, who is brother of petitioner no. 2 and 3. Even, in the statement of the victim girl recorded under Section 164 of the Cr.P.C., the allegation of kidnapping and rape is against other co-accused and these petitioners only assisted the said co-accused.



However, learned counsel for the State and the informant have opposed the bail petition and submitted that petitioners have also actively participated in the kidnapping of minor daughter of the informant.

Considering the fact that thrust of the accusation is against co-accused Shubham Kumar, in the event of arrest/surrender within six weeks, let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI cum Special Judge, POCSO Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 25 of 2021, subject to the conditions laid down under section 438 of the CrPC.

(Prabhat Kumar Singh, J)

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