

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69253 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- CHHAURADANO District- East
Champanan

-
-
1. Sunita Devi W/o Ram Naresh Singh
 2. Ram Naresh Singh S/o Late Jokhu Singh
 3. Kundan Kumar S/o Ram Naresh Singh
 4. Chandan Kumar S/o Ram Naresh Singh

All R/o Village- Sukhlahiya, P.S.- Chhauradano, Distt.-East Champanan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Rashmi Jha, Adv.
For the Opposite Party/s :	Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek pre-arrest bail in connection with
Chhauradano P.S. Case No. 61 of 2021, registered under
Sections 366A/34 of the Indian Penal Code read with Section 8
of the POCSO Act.

Learned counsel for the petitioners submits that the
allegations made in the F.I.R. is not correct and false due to the
reason that in the impugned order, the learned court below has
indicated that the victim has deposed in her statement under
Section 164 of the Cr.P.C. that she had married with accused
Abhay Kuamr at Delhi with her consent. Learned counsel for

the petitioners also submits that the alleged date of occurrence according to F.I.R. is 26.02.2021, whereas the present F.I.R. has been lodged on 04.03.2021, delay has not been explained in the F.I.R. itself.

Learned counsel for the State submits that case is lodged under POCSO with grave allegation.

Learned counsel for the informant who appears in this case opposed the prayer for bail and submits that in any view of the matter, the girl is minor and therefore, on this ground alone, the petitioners do not deserve anticipatory bail.

Under the present facts and circumstances of the case, I am inclined to grant bail only and only to lady Sunita Devi (petitioner no.1), aged about 55 years having clean antecedent, in the event of her arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, in connection with Chhauradano P.S. Case No.61 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

So far as the other petitioners are concerned, I am not

inclined to grant anticipatory bail to the petitioners no.2 to 4, but directing the Trial Court that after looking the case diary minutely, considered the case of fresh without prejudice from the order in the present case and upon surrender within six weeks from today, the court below shall pass order on the same day.

With this direction, the present application stands disposed of.

(Dr. Anshuman, J)

ravishankar/-

U		T	
---	--	---	--