

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.521 of 2022

Arising Out of PS. Case No.-129 Year-2018 Thana- GAUNAHA District- West Champaran

1. Rabari Devi Wife Of Santosh Fauzdar R/O Village- Murli Manjhariya, P.S.- Gaunaha, District- West Champaran
2. Gorakh Fauzdar @ Gorav Foaijadar Son Of Late Dhora Fauzdar R/O Village- Murli Manjhariya, P.S.- Gaunaha, District- West Champaran
3. Raju Fauzdar Son Of Gorakh Fauzdar @ Gorav Foaijadar R/O Village- Murli Manjhariya, P.S.- Gaunaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

3 01-09-2022 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 302, 376 and 120(B)/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

The prosecution case in nutshell is that the deceased is the grand daughter of the informant who had gone to attend the call of nature to the sugarcane field in the morning but she did not return and thereafter her dead boy was found in the said filed.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that the main allegation is against co-accused Santosh Fauzdar that he committed rape upon the grand daughter of the informant and thereafter murdered her. He



further submits that the chargesheet has been submitted against co-accused Santosh Fauzdar and petitioner nos.1 and 2 were not sent up for trial while supplementary investigation was kept pending regarding petitioner no.3. He further submits that there is no material evidence against these petitioners but after perusal of the evidence and material, the learned court below has taken cognizance

Learned APP appearing for the State opposed the anticipatory bail of the petitioners.

After considering the aforesaid submissions and the fact that the main allegation is against co-accused Santosh Fauzadar, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four 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 Additional District & Sessions Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 129 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Brajesh Kumar/-

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

(Sunil Kumar Panwar, J)

