

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4849 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- SURSAND District- Sitamarhi

1. SHATIYA DEVI Wife of Ram Ekbal Mahto @ Ram Ejkwat Mahto Resident of Village - Belahya, Ward No.- 13, P.S.- Sursand, District - Sitamarhi.
2. Ram Ekbal Mahto @ Ram Ejkwat Mahto Son of Duni Mahto Resident of Village - Belahya, Ward No.- 13, P.S.- Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar
For the Opposite Party/s	:	Mr. Atul Chandra
For the informant	:	Mr. Subodh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2023 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sursand Police Station Case No. 469 of 2022, dated 14.09.2022, disclosing offences under Sections 376 (DA)/506 of the Indian Penal Code and Sections 4/8/12 of the Prevention of Children from Sexual Offences Act, 2012.

The prosecution case, as per the First Information Report, is that the son of the petitioners committed rape upon the informant. The only allegation against the petitioners, who happened to be the father and mother of the main accused, i.e.



son of the petitioners, is that the son of the petitioners used to threaten the informant that his mother would burn her alive and the father of the co-accused would implicate the parents of the informant in false criminal cases.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence, which would be evident from the First Information Report itself and they have been implicated in this case only because their son was having some relation with the informant/victim.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the co-accused, who is the son of the petitioners, has acted on the guidance of the petitioners.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the parents of the main co-accused Shravan Kumar, who has allegedly committed rape upon the informant/victim and there is no overt act attributed to the petitioners in the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

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 bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Sitamarhi, in connection with Sursand Police Station Case No. 469 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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