

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12548 of 2023

Arising Out of PS. Case No.-202 Year-2018 Thana- PATRAKARNAGAR District- Patna

1. Parikshan Mahto @ Parkikshan Mahto Son Of Laldhari Mahto Resident Of Village - Saura Urf Churaman, P.S.- Dumra, District - Sitamarhi.
2. Madhu Kumari Daughter Of Parikshan Mahto Resident Of Village - Saura Urf Churaman, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 376 of the Indian Penal Code and Section 8/12 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioners. He submits that occurrence took place on 06.10.2017 but the FIR has been lodged on 17.04.2018 after delay of six months without explaining any reasonable cause of delay. He submits that there is specific allegation against co-accused Mohan Kumar who committed rape upon the victim.



He submits that the petitioners are the father and unmarried sister of co-accused Mohan Kumar on that basis they have been made accused in this case. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patrakar Nagar P.S. Case No. 202 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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