

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14816 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

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1. BINOD MANDAL Son of Balbhadra Mandal R/v- Bhirha, P.S.- Mednichowki, District- Lakhisarai
 2. VIJAY KUMAR Son of Binod Mandal R/v- Bhirha, P.S.- Mednichowki, District- Lakhisarai
 3. SONU KUMAR Son of Binod Mandal R/v- Bhirha, P.S.- Mednichowki, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABITA DEVI Wife of Vinay Mandal (Kalpanic Name) R/v- Bhidaha, P.S.- Mednichowki, District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-05-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Lakhisarai Mahila P. S. Case No. 58 of 2022, registered for

the offences punishable under Sections 341, 323, 448,

354(A), 354(B), 376(D), 504, 506 and 34 of the Indian

Penal Code and Sections 8 and 18 of POCSO Act, 2012.

The prosecution case as emerges from the FIR is

that when the informant was cleaning the house on the eve



of Chhat Puja, the petitioners assaulted her and her minor daughter. It is further alleged that the petitioners also tried to outrage the modesty of her daughter. It is also alleged that her step sons have sexually exploited her for more than five years and now they have developed ill intention towards her minor daughter.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that though the case has been lodged under Sections 341, 323, 448, 354(A), 354(B), 376(D), 504, 506 and 34 of the Indian Penal Code and Sections 8 and 18 of POCSO Act, 2012 but the charge-sheet has been submitted under Sections 341, 323, 498(A), 354, 504, 506 and 34 of the Indian Penal Code, which shows the falsity of the case. He further submits that ill motive to falsely implicate the petitioners in this case is also apparent from the fact that a maintenance petition has been filed by the complainant before the Family Court besides filing a partition suit in a Civil Court against them.

He further submits that the petitioners have been



languishing in jail since 23.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in two more cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge VI cum Special Judge, POCSO Court, Lakhisarai, in connection with Lakhisarai Mahila P. S. Case No. 58 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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