

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24648 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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RAMU BARI @ RAMU CHANDRA BARI @ RAM CHANDRA VARI, S/O
LATE MOHAN BARI, Resident of Village- Rahmat Ganj, Ward No- 7,
Bhavara, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State of Bihar.

The petitioner is apprehending his arrest in connection
with Madhubani Sadar P.S. Case No. 350 of 2022 registered for
offence under Sections 363 and 366A of Indian Penal Code and
Sections 8 and 12 of the POCSO Act.

As per prosecution case, the informant's two
daughters have gone missing. They are stated to be minors aged
about 16 years and 13 years. The FIR has been lodged in this
connection on 03.09.2022, containing allegations that they are
missing since 23.08.2022. As per allegation, informant has come
to learn that the petitioner's son and daughter along with
petitioner are responsible for taking away the two daughters,



either for marriage or for pushing them into immoral traffic.

It is submitted by learned counsel for the petitioner that bare reading of the FIR shows that the belated FIR is based on some alleged information. Apart from suspicion, there is no material to suggest the petitioner's involvement. The petitioner is an aged person about 71 years old. He is stated to be a poor rickshaw puller. His daughter and son who have been made an accused are also said to be juvenile and are taking recourse to the legal process for securing bail.

Learned APP for the State has opposed the prayer for bail. It is submitted that allegation is of taking away two minor girls.

Considering the rival submissions, nature of belated allegations based on suspicion and hearsay, as also age of the instant petitioner and his son and daughter as per submission of learned counsel for the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his 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) with two



sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani, in connection with Madhubani Sadar P.S. Case No. 350 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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