

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28637 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- PARBATTa District- Khagaria

1. Soni Devi, W/O Sanjeet Kumar, R/O Village- Nayagown Panchkhutti, P.S- Parbatta, Distt.- Khagaria.
2. Chandradev Sah, S/O Late Magan Sah, R/O Village- Nayagown Panchkhutti, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Parbatta P.S. Case No.324 of 2022 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 3, 4, 8 and 12 of the POCSO Act. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 23.07.2022 the daughter of the informant had gone to the field of maize for cutting grass, in the meantime, one Sanjeet Kumar committed rape upon her and threatened her to kill. It is alleged that when the daughter of the informant disclosed the entire story to her



father then Sanjeet Kumar and his wife Soni Devi (petitioner no.1) and his father Chandradev Sah (petitioner no.2) had gone to the house of the informant lashed with knife and iron rod with an intention to kill the informant and his family.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no allegation of any overt act against these petitioners.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioner no.1 is the wife of main accused Sanjeet Kumar and petitioner no.2 is his father, the allegation against them is only to the extent that both of them had come to the house of the informant, there is no allegation that these petitioners have committed any overt act, they have otherwise no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO,



Khagaria in connection with Parbatta P.S. Case No. 324 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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