

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41987 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- TANDWA District- Aurangabad

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1. Sanjay Ram S/O Bandhu Ram R/O Village- Pipara, Ps. Mali, Dist. Aurangabad
 2. Shakuntla Devi W/O Sanjay Ram R/O Village- Pipara, Ps. Mali, Dist. Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 504, 506 & 34 of the Indian Penal Code read with Section 3/4 of Dowry Act and read with Section 4 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been lodged against 3 named accused persons in which the informant has alleged that accused Rajesh Kumar whose marriage was solemnized with her maternal sister, has developed physical relation, on the ground of solemnization of marriage but subsequently, the said Rajesh Kumar was alleged to refuse from

marriage and started demanding Rs.5 lac as dowry. The allegation of abuse and threat are there against the present petitioners.

4. Learned counsel for the petitioners submits that from the content of the F.I.R., it is crystal clear that the informant has alleged specific allegation against the accused Rajesh Kumar and not against the present petitioners.

5. Counsel further submits that after investigation, the case has not found true against the present petitioners but the Special Court, POCSO, Aurangabad has taken cognizance against the present petitioners under Section 376, 504, 506 & 34 of the Indian Penal Code and Section 4 of the POCSO Act and issued process against the petitioners. As such, the present petitioners are present for anticipatory bail before this Court. Counsel also submits that antecedent of the petitioners are clean.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances and the submissions made above, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond to the satisfaction of the learned

Addl. District and Sessions Judge-cum- Special Exclusive Judge
(POCSO), Aurangabad in connection with Tandwa P.S. Case
No. 15 of 2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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