

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40484 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. KANCHAN SINGH SON OF LATE NARAYAN SINGH RESIDENT OF VILLAGE- SHUKLAHIYA, PS- DARPA, DIST- EAST CHAMPARAN
 2. HANSH LAL SINGH SON OF LATE SAHEB SINGH RESIDENT OF VILLAGE- CHAINPUR DHAKA, PS- DHAKA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and Mr. Bharat Bhushan for the State.

The petitioners are apprehending their arrest in connection with Chhauradano P.S. Case No. 61 of 2021 for the offence under Section 366-A/34 of the I.P.C. and Section 8 of the Bihar Protection of Children from Sexual Offence Act lodged on 04.03.2021 by the informant, Rambharosh Singh.

As per the prosecution story, the allegation is on Abhay Kumar of taking away the minor daughter with further allegation that all the accused persons of his family supported. Accordingly, the F.I.R.

It is the case of the learned counsel for the petitioners



that there is delay of seven days in lodging the F.I.R., they were not named and their name has cropped up only under Section 319 of the Cr.P.C. on 20.01.2023.

As per the record, the further case is that the girl after recovery made a statement under Section 164 of the Cr.P.C. that she was in relation with Abhay Kumar, got pregnant, informed her family members but as they chose not to react, had no option but to leave the place.

Learned APP opposes the prayer stating that these petitioners also facilitated in taking away the minor girl.

Considering all the facts that has been narrated by the learned counsel for the petitioners and further their name has come only under Section 319 of the Cr.P.C., F.I.R. lodged and ultimately will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge VII-cum-Special Judge, POCSO Act, East Champaran, Motihari, in connection with Chhauradano P.S. Case No. 61 of



2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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