

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45444 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- SIKARPUR District- West Champaran

1. SIMA DEVI WIFE OF LATE SUNIL SAH RESIDENT OF VILLAGE-
WARD NO. 19, HARDIYA CHOWK, PS- SHIKARPUR, DIST- WEST
CHAMPARAN
2. ROHAN KUMAR @ ROHAN SAH SON OF LATE SUNIL SAH
RESIDENT OF VILLAGE- WARD NO. 19, HARDIYA CHOWK, PS-
SHIKARPUR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Shikarpur P.S. Case No. 332 of 2022 for the offence registered under sections 363, 366(A), 506, 379 and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act lodged on 23.04.2022 by the informant, Reema Devi.

As per the prosecution story, the informant alleged that her daughter has been taken away by the driver of the same school and upon search, reaching Mithun Sah's house, saw the victim there with vermilion on her forehead. Accordingly, the FIR.



Learned counsel for the petitioner submits that both the girl as also her mother (informant) have subsequently given their respective statement to the concerned Court stating that there was no such kidnapping and the victim girl is happily married to the petitioner's family.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that the affidavits are there on record.

Considering the fact that the petitioner no. 1 is mother-in-law, petitioner no. 2 is brother-in-law, they do not have criminal antecedents and the victim girl has herself given affidavit which is part of the record, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VIIth cum Special Judge (POCSO), West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 332 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *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 their 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 stands allowed.

(Rajiv Roy, J)

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