

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60023 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- RAMGARHWA District- East
Champaran

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1. Pratima Devi @ Pramila Devi, W/o - Satyadeo Prasad, R/o Village - Bela, P.S. - Ramgarhwa, District- East Champaran.
 2. Puja Kumari, D/O Satyadeo Prasad, R/o Village - Bela, P.S. - Ramgarhwa, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Mr. Ajay Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 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 Ramgarhwa P.S. Case No. 379 of 2022 registered for the offences punishable under Sections 366(A), 34, 376, 504, 506, 341, 342, 323, 324 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act. They have no criminal antecedent.

3. As per the prosecution story, when the informant's daughter did not return after attending nature call, he started searching for his daughter and came to know that the accused persons have kidnapped the victim girl and have taken her towards south in a tempo. On 13.05.2022, the victim girl was



recovered who was handed over to the informant after her statement under Section 164 Cr.P.C. The informant's daughter has supported the allegation of kidnapping and has made allegation of rape against one co-accused Arjun Kumar.

4. Learned counsel for the petitioners submits that these petitioners are innocent and have been falsely implicated in this case. It is submitted that these two petitioners are the mother and sister of the main accused, namely, Arjun Kumar. It is further submitted that the complaint of missing of the victim was lodged after about a month and there is no specific allegation against these petitioners.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners as according to them they had made the victim to drink a glass of water whereafter she is said to have become unconscious.

6. Having regard to the facts and circumstances of the case wherein it appears that these two petitioners are the mother and sister respectively of the main accused, namely, Arjun Kumar, the complaint with regard to missing of the victim-girl was lodged after more than a month, there is no specific allegation against these petitioners and they have been



implicated in this case only because of their relationship with the main accused, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Ramgarhwa P.S. Case No. 379 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari, 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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