

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61363 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- JAHANABAD District- Jehanabad

1. Anju Devi, W/o Binay Kumar, R/o Ghuran Bigha, P.S. - Kako, Distt. - Jehanabad, Bihar.
2. Sunita Devi, W/o Ranjay Kumar, R/o vill - Pakar Bigha, P.S. - Ghosi, Distt. - Jehanabad.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Chandra Bhushan Das, Advocate
For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Jehanabad (Karauna O.P.) P.S.Case No. 366 of 2022 dated 15.05.2022 registered for the offences punishable under Section 366A of the I.P.C. and Section 8 of the POCSO Act.

4. As per the prosecution case, on the request of



the petitioners and the other accused persons, the informant allowed to go her daughter with them from her house. Later on, their mobile phone got switched off. Thereafter, it came to the knowledge of the informant through the petitioners that the informant's daughter and the co-accused Rahul Kumar, who is the son of the petitioner no. 2, went somewhere. The informant has apprehension that the aforesaid persons may do any untoward incident with her daughter.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the occurrence took place on 05.05.2022 as to when the F.I.R. was registered on 15.05.2022 i.e., after a delay of 10 days and for which no satisfactory explanation has been given by the prosecution. It is submitted that the victim in her statement recorded under Section 164 Cr.P.C. has not named the petitioners. It is further submitted that the victim was not forced to illicit relationship with another person. She was in love with the co-accused Rahul Kumar and later on she married him. The petitioners are the ladies. The



petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jehanabad, in connection with Jehanabad (Karauna O.P.) P.S. Case No. 366 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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