

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58576 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- BISFI (PATAUNA) District- Madhubani

1. Rohit Nat S/O Late Gauri Shankar Nat @ Gauri Nat
 2. Surendra Nat S/O Shaukhi Nat
 3. Annu Nat S/O Ram Prasad Nat
 4. Pinki Devi W/O Annu Nat
 5. SARASWATI DEVI W/o Late Gauri Nat @ Late Gauri Shankar Nat
All are resident of village- Bajraha, P.S.- Bisfi (Patauna), Distt- Madhubani
... .. Petitioner/s
- Versus
- The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Learned counsel for the petitioners submits that during the pendency of this petition the petitioner nos.1 and 2 have been arrested and as such relief against them have now become infructuous.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Bisfi (Patauna) P.S. Case No.180 of 2022 instituted under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act.

As per the prosecution story, when the minor daughter or informant was returning home, the accused Rohit Nut and



Indal Nat tried to outrage her modesty. She escaped anyhow, came back crying and inform the parents and when the informant went to the boy's house allegation is that the accused persons assaulted them. Accordingly, the FIR was lodged.

Considering the kind of allegation that has come against the accused person, so far as petitioner no.3 Annu Nat is concerned, no relief can be granted to him and his anticipatory bail application stands rejected.

So far as the petitioner no.4 and 5 are concerned, they being lady having no criminal antecedent and ultimately they will have to face the trial, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bisfi (Patauna) P.S. Case No.180 of 2022 to the satisfaction of learned Additional Sessions Judge, VII-cum-Special Judge (POCSO Court), Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:



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

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) 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;

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

(Rajiv Roy, J)

Prakash Narayan /-

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