

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62266 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- SAHODARA District- West Champaran

1. Rojdin Sah @ Rajdin Sah Son Of Vakil Sah @ Okil Miyan R/O Village-
Kauwaha, P.S.- Sahodara, District- West Champaran
2. Salauddin Sah Son Of Vakil Sah @ Okil Miyan R/O Village- Kauwaha, P.S.-
Sahodara, District- West Champaran
3. Babujaan Sah Son Of Jahagir Sah R/O Village- Kauwaha, P.S.- Sahodara,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Sahodara P.S. Case No. 90 of 2022 lodged under Sections 341,
323, 448, 337, 338, 354(B), 504, 506, 34 of the I.P.C. read with
Section 8 of the POCSO Act.

As per the prosecution case, the F.I.R. has been
lodged against 6 named accused persons including the present
petitioners. The specific allegation against the present

petitioners are that they all used to create pressure upon the daughter of the informant to develop illicit relation with her. In this regard, they used to assault informant's son and daughter. Upon oppose, they entered in the house, assaulted daughter and on 14.07.2022, threatened to kill and assault on the leg of informant's son.

Learned counsel for the petitioners submits that from the F.I.R. itself, it transpires that the date of occurrence is 12.07.2022 but F.I.R. has been lodged before police station after 2 days. Counsel submits that there are case and counter case for the occurrence dated 14.07.2022. The petitioner side has also filed a criminal case against the informant. Counsel submits that the specific allegation is against Allauddin Sah and Wasim Khan and not against the present petitioners.

Counsel further submits that both the families are agnate and for petty issues, the present case has been lodged. Counsel also submits that antecedent of the petitioners are clean and they are in custody since 19.08.2022

Learned counsel for the State opposes the prayer for bail and fairly submits that though the daughters of the informant are minor but Section 8 of the POCSO Act is not applicable but on the other hand, Section 354(B) of I.P.C. is

clearly attracted as well as Section 12 of the POCSO Act may be attracted.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail application of the petitioners is hereby rejected but liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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