

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74853 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- HARSIDHI District- East Champaran

1. SHANKAR SINGH Son of Radhe Khan @ Radhe Kha R/V- Khelhi, P.S- Majhauriya, dist- West Champaran at Bettiah
2. Shiv Kumari Devi Wife of Shankar Singh R/V- Khelhi, P.S- Majhauriya, dist- West Champaran at Bettiah
3. Prithvi Kumar Son of Shankar Singh R/V- Khelhi, P.S- Majhauriya, dist- West Champaran at Bettiah
4. Pramod Pandey Son of Jagdish Pandey R/V- Khelhi, P.S- Majhauriya, dist- West Champaran at Bettiah

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Harsidhi P.S. Case No. 371 of 2022 registered for the offences punishable under Sections 366A and 376 of the Indian Penal Code and section 8 and 10 of the POCSO Act. Petitioners have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 22.01.2020 co-accused Aash Nandan Kumar came to her house and informed that her sister Kajal @ Sapna is not well



and next day i.e. 23.01.2020 the co-accused ousted her sister from his house after obtaining thumb impression on a plain paper. The informant alleged that she was confined in a house and was not allowed to meet her parents. It is further alleged that co-accused Aash Nandan Kumar used to exploit her sexually regularly and on 20.03.2022 she somehow managed to escape and report the matter to the local police.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that in fact the sister of the informant Kajal @ Sapna happens to be the wife of co-accused Aash Nandan Kumar and in a matrimonial dispute the informant and her family members lodged the present case.

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

Having regard to the facts and circumstances of the case, considering that these petitioners are said to be the family members of the co-accused Aash Nandan Kumar and it is the submission of the petitioners that the sister of the informant Kajal @ Sapna happens to be the wife of the co-accused Aash Nandan Kumar and due to matrimonial dispute between them the informant and her family members have lodged the present



case by way of making allegations against the whole family of the petitioners, the main accused Aash Nandan Kumar is already in judicial custody, in the circumstances, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 371 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

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