

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9769 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Shibani Kumari D/o Hare Ram Mahato @ Kewal Mahto, R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
2. Rekha Devi W/o Hare Ram Mahato @ Kewal Mahto R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
3. Bittu Kumar Son of Pawan Mahto R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
4. Pawan Mahto Son of Late Ramdeo Mahto R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
5. Mannu Kumar @ Abhimanyue Kumar Son of Hare Ram Mahato @ Kewal Mahto R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
6. Chhotu Kumar @ Sourabh Kumar Son of Hare Ram Mahato @ Kewal Mahto R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa
7. Hare Ram Mahato @ Kewal Mahto Son of Late Ramdeo Mahato R/o vill - Silet, Belwara Tola, ward no. 12, P.S. - Sour Bazar, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Pramod Mishra, the learned counsel for

the petitioners and Mr. Akhileshwar Dayal, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with POCSO Case No. 35 of 2023, arising out of

Sour Bazar PS Case No. 109 of 2023, FIR dated 20.02.2023,



registered for the offences punishable under Sections 363, 365, 366(A) and 120(B) of the Indian Penal Code and later on Section 12 of POCSO Act was added.

3. According to prosecution case, the petitioners along with other co-accused persons kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. In fact, the son of the petitioner no. 7, namely, Rahul Kumar, who was in love with the victim and has performed marriage with the victim and the petitioners are family members of the co-accused Rahul Kumar, and they have falsely been implicated in the present case mainly on the ground that they are family members of the co-accused namely, Rahul Kumar. He further submits that upon perusal of the FIR, it appears that there is specific allegation of kidnapping attributed against the co-accused person namely, Rahul Kumar and there is no specific allegation of kidnapping is attributed against the petitioners, rather the allegations are general and omnibus in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of kidnapping is attributed against them, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special-Judge POCSO, Saharsa, where the case is pending in connection with **Sour Bazar PS Case No. 109 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iii). 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.

(Rajesh Kumar Verma, J)

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