

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7683 of 2024

Arising Out of PS. Case No.-78 Year-2016 Thana- BAIKUNTHPUR District- Gopalganj

1. Ramita Devi W/O- Jainarayan Singh R/O- Village- Marachi, P.S.- Jamo Bazar, Dist.- Siwan.
2. Dhiraj Kumar @ Dhiraj Kumar Singh @ Dhiraj Singh S/O- Jaynarayan Singh R/O- Village- Marachi, P.S.- Jamo Bazar, Dist.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Ms. Nikita Mittal, Adv.
For the Informant	:	Mr. Sushil Kumar, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioners and learned counsel for the Informant as well as Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Baikunthpur P.S. Case No. 78 of 2016 dated 05.07.2016 registered for the offence/s punishable u/ss 363, 366A of the Indian Penal Code and later on added section 376/34 of the IPC and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor sister of the informant.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The victim in her statement recorded under section 164 of the Cr.P.C. has stated that the informant's father attempted to misbehave with her and also stated that she did not want to live with her father. It is further submitted that the victim has not raised any alarm while she was being taken away. The petitioners have five other criminal antecedents as stated in para 3 of the bail petition. The petitioner No. 1 is a lady.

5. Learned learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners.

6. 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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Siwan in connection with Baikunthpur P.S. Case No. 78 of 2016, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-



(i). The petitioner no. 2 is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner no. 2 is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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