

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9562 of 2024

Arising Out of PS. Case No.-541 Year-2023 Thana- KESARIA District- East Champaran

1. Manoj Raut Son Of Kashi Raut R/O-Dhekhan, P.S.-KESARIYA, Distt.- EAST Champaran
2. Ajay Kumar Son Of Manoj Raut R/O-Dhekhan, P.S.-KESARIYA, Distt.- EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Kesariya P.S. Case No. 541 of 2023 dated 14.11.2023, instituted for the offence punishable under Sections 363 and 366 (A) of the Indian Penal Code and Section 3/4 of the POCSO Act.

3. The prosecution case, in short, is that on the date of occurrence while the informant's minor daughter had gone to field to attend nature's call, co-accused Chintu Kumar caught her on the point of pistol and forcibly put down her in the *tempu* in which petitioners were already sitting and then they kidnapped her.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is the father of the main accused Chintu Kumar and petitioner no. 2 is the brother of Chintu Kumar. It is submitted that petitioners are father and brother of the said Chintu Kumar and have been made accused in this case. It is also submitted that F.I.R. has been lodged against three persons and Chintu Kumar is one of them. It is further submitted that date of occurrence is of 06.09.2023 at about 5:00 pm and the present case has been lodged on 14.11.2023. There is delay of more than two months in lodging the F.I.R. and there is no plausible explanation for such delay. Lastly, it has been submitted that they have no criminal antecedent.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Kesariya P.S. Case No. 541 of 2023, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned VIIth Additional Sessions Judge cum
Special Judge POCSO Act, East Champaran, Motihari, subject
to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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