

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15841 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- MADHUBAN District- East Champaran

1. DHARMENDRA RAM Son of Late Rajdeo Ram Resident of Village-Gulab Kha Vriti, P.S.-Madhuban, District-East Champaran.
2. UMA DEVI Wife of Late Rajdeo Ram Resident of Village-Gulab Kha Vriti, P.S.-Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Madhuban P.S. Case No.556 of 2023 registered for the offence under Sections 363, 366A, 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act.

3. Allegation against the petitioners and other co-accused persons is to have taken away minor daughter of the informant for the purpose of marriage.



4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that there is inordinate delay of 06 delay in lodging FIR, without having any explanation. It is also submitted that it appears from statement of victim as recorded under Section 164 of the Cr.P.C. wherein she has not levelled any allegation of sexual assault against the petitioners and she (victim) stated that out of love affairs solemnized her marriage with Rohit Kumar and living happily with him on her own sweet will. It is further submitted that petitioners are men of clean antecedent and they are in custody since 01.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners and as there is no allegation as regard to sexual assault against these petitioners, where, petitioner no.1 is brother and petitioner no.2 is mother of Rohit Kumar, let both the petitioners, above named, are directed to be released on bail in connection with Madhuban P.S. Case No.556 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran.

(Ramesh Chand Malviya, J)

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