

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21666 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- MAHILA PS District- Aurangabad

1. Dipak Kumar @ Deepak Kumar, Son of Late Sonalika Ram Resident of Village-Gira, Police Station-Obra, District-Aurangabad.
2. Gayatri Dev @ Gayatri Devi @ Gaytri Kumari, D/o Late Sonalika Ram, W/o Papu Ram Resident of Village-Gira, Police Station-Obra, District-Aurangabad. At present resident of Village-Saduri Karma, Police Station-Narari Kala Khurd, District-Aurangabad.
3. Gita Devi @ Gita Kumari, D/o Late Sonalika Ram, W/o Dipak Kumar @ Deepak Kumar @ Pappu Ram Resident of Village-Gira, Police Station-Obra, District-Aurangabad. At present resident of Village-Chand Khap, Police Station-Risiup, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Lakhan Ram, Son of Late Rambriksha Ram Resident of Village-Chand Khap, Police Station-Risiup, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 62 of 2023, registered for the alleged offence under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

03. As per prosecution case, co-accused Dilip Kumar, by giving inducement of marriage, established physical



relationship with minor daughter of the informant. When the informant approached to the petitioners, who are brother and married sisters of the co-accused Dilip Kumar, and asked them to solemnize marriage of co-accused with his daughter, they refused and started abusing the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is no allegation against the petitioners for any wrongful doing, as it is apparent from the FIR itself. The petitioners have been made accused as they are brother and sisters of the co-accused Dilip Kumar. The present case has been lodged by the informant with intention to mount pressure upon the petitioners for solemnizing the marriage of his daughter with brother of petitioner no.3 who, by relation, is the cousin daughter-in-law to the informant.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation against the petitioners without attributing any wrongful act on their part and also considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Mahila P.S. Case No. 62 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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