

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28937 of 2024

Arising Out of PS. Case No.-133 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. Sunil Kumar S/o Sewak Sahani R/o vill - Ramban Mallah Toli, P.S. - Pakaridayal, P.O. - Pakaridayal, Distt. - East Champaran
2. Munchun Kumar S/o Bhikhar Sahani R/o vill - Bahuara, P.S. - Madhuban, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subhash Kumar Sahani S/o Munni Lal Sahani R/o vill - Ramban Mallah Toli, P.S. - Pakaridayal, P.s. - Pakaridayal, Distt. - East Chamapran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mr. Sharda Nand Mishra, learned counsel for
the petitioner and the State.

2. The petitioners are apprehending their arrest in connection with Pakaridayal P.S. Case No. 133 of 2022 for the offence under Sections 363, 365, 366, 366(A) and 34 of the I.P.C. and Sections 4/8 of the POCSO Act lodged on 20.05.2022 by the informant, Subhash Kumar Sahni.

3. As per the prosecution story, the informant alleged that when he alongwith his mother and wife had gone out to purchase household articles, sister was alone, upon return found her missing, despite the search, she could not be traced out and



upon inquiry, the petitioner No. 02 also failed to give any satisfactory reply. Accordingly, the FIR.

4. Learned counsel for the petitioners straightaway took this Court to the order of the learned Sessions Judge to show that the girl subsequently returned and made her statement under Section 164 of the Cr.P.C. in which, she claimed to have left her home after being rebuked by the parents, went to maternal uncle's house and later returned.

5. Learned counsel for the petitioners further submits that she has not alleged any wrong-doings on the part of the petitioners herein. He submits that though there is confusion in the actual age when the FIR lodged, the fact remains that she has not alleged anything against them.

6. Learned APP though opposes the prayer submits that whether any wrong-doings have been alleged or not cannot be ascertained as the said part has not been incorporated in the order of the learned Sessions Judge.

7. Taking into account the statement of learned counsel appearing on behalf of the petitioners that the girl has not alleged any wrong-doings on the part of these petitioners, both are of young age, do not have any criminal antecedent, the girl has returned and as per her statement had left her home on



her own, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge POCSO Act, Motihari in connection with Pakaridayal P.S. Case No. 133 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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