

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31824 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARGHAT District- Madhubani

1. Rajeshwar Das Son Of Late Tilak Das Resident Of Village - Basbariya, P.S. - Saharghat, District - Madhubani
2. Bisnath Das Son Of Rajeshwar Das Resident Of Village - Basbariya, P.S. - Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2024 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Saharghat P.S. Case No. 53 of 2023, registered for the offences punishable under Sections 341, 323, 363, 366(A), 504, 506/34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act.

3. The prosecution case is based on the written report alleging therein that on 24.03.2023, the minor daughter of the informant went to purchase some household articles but she did not return. In course of search, the informant came to know that co-accused *Raushan Kumar* has enticed away his daughter. The



informant reached to the house of the co-accused *Raushan Kumar* and narrated the entire incidence, whereupon all the FIR named accused persons, including the petitioner, abused and assaulted the informant.

4. Learned Advocate for the petitioners contended that petitioner nos. 1 and 2 happen to be grandfather and father of the co-accused *Raushan Kumar* and only because of they being grandfather and father, their names have been implicated in this case in order to put pressure. It is also the contention of the learned Advocate that the incidence took place on 24.03.2023, however, the present FIR has been instituted on 16.04.2023, without there being any explanation for delay. The entire allegation revolves around co-accused *Raushan Kumar*. Moreover, the victim girl while leaving her house has left a letter that she has voluntarily left the house in order to solemnize marriage with co-accused *Raushan Kumar*. Taking note of the aforesaid facts, one of the co-accused, namely, *Jai Prakash Das* has been allowed the privilege of anticipatory bail in Cr. Misc. No. 76321 of 2023. The petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the



victim was a minor on the alleged date of occurrence and, as such, her consent has no meaning in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are grandfather and father of co-accused *Raushan Kumar*, who allegedly enticed away the daughter of the informant, there is no specific allegation of any overt act against the petitioners, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Additional Sessions Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Saharghat P.S. Case No. 53 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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