

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42311 of 2024

Arising Out of PS. Case No.-674 Year-2023 Thana- SURSAND District- Sitamarhi

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1. Heman Sada @ Hemant Sada Son Of Late Bilash Sada R/O Tirkauliya, P.S.- Bathnaha, Dist- Sitamarhi
 2. Soman Sada Son Of Late Bilash Sada R/O Tirkauliya, P.S.- Bathnaha, Dist- Sitamarhi
 3. Rajo Devi W/O Heman Sada @ Hemant Sada R/O Tirkauliya, P.S.- Bathnaha, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishor Ram S/O Late Bindu Ram R/O Karuna, Ward No. 11, P.S.- Sursand, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 11-09-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Sursand P.S. Case No. 674 of 2023 dated 02.12.2023 registered for the offences punishable u/s 363, 365, 366A read with section 34 of the Indian Penal Code and Section 3, 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 and 2 are full brother and petitioner no. 3 is the wife of the petitioner no. 1, namely, Heman Sada. It is further submitted that the petitioners are father, uncle and mother of the accused no. 1 and 2, namely, Rahul Kumar and Mithu Sada. As per the statement recorded under Section 164 of the Cr.P.C., the victim has gone somewhere else on her own will and she has not taken the name of the petitioners. The name of the petitioners has transpired merely on the basis of being a guardian of the accused Rahul Kumar and Mithu Sada. It is further submitted that the accused persons Rahul Kumar and Mithu Sada are married and they resides in another city. It is further submitted that the victim was not forced or seduced to have illicit intercourse with another person. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 26.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation and the period of



custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Sursand P.S. Case No. 674 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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