

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40187 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- CHAKIA District- East Champaran

1. Bigu Sah Son of Motilal Sah Village- Baramdiya, Ward No. 3, Ps- Chakiya, Dist- East Champaran
2. Chhote Sah Son of Nandlal Sah Village- Baramdiya, Ward No. 3, Ps- Chakiya, Dist- East Champaran
3. Krishna Sah @ Krishna Kumar Son of Nandlal Sah Village- Baramdiya, Ward No. 3, Ps- Chakiya, Dist- East Champaran
4. Mukesh Sah Son of Achchhu Sah Village- Baramdiya, Ward No. 3, Ps- Chakiya, Dist- East Champaran
5. Nandlal Sah Son of Ramchandra Sah Village- Baramdiya, Ward No. 3, Ps- Chakiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Shashank Shekhar, learned counsel for the petitioners and Ms. Usha Kumari 1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chakiya P.S. Case No. 70 of 2024, F.I.R. dated 06.03.2024 for the offences punishable under Sections 341, 323, 354, 427, 504, 506/34 of the Indian Penal Code, Section 12 of the POCSO Act and Section 3(1)(s) of the Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. According to prosecution case, it is alleged that the petitioners tried to misbehave with the informant's minor daughter. It is also alleged that on enquiring into the matter, the



petitioners abused and threatened to kill the informant and his family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that from the perusal of the F.I.R, it appears that there is no allegations of any assault or overt act attributed against these petitioners. And apart from that the statement of victim was recorded under Section 164 of the Cr.P.C. where she has not stated anything about these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent and victim has not stated anything about these petitioners in her statement recorded under Section 164 of the Cr.P.C., let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge,



POCSO Act, East Champaran at Motihari in connection with Chakiya P.S. Case No. 70 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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