

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51527 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Nawalpur District- West Champaran

1. Dasai Mahato Son Of Kashi Mahato Resident Of Village - Piprahiya, P.S. - Nawalpur, District - West Champaran
2. Pravesh Mahato Son Of Pannalal Mahato @ Panalal Mahato Resident Of Village - Piprahiya, P.S. - Nawalpur, District - West Champaran
3. Kashi Mahato Son Of Late Jiut Mahato Resident Of Village - Piprahiya, P.S. - Nawalpur, District - West Champaran

... .. petitioners/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 29-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. This is an application for regular bail on behalf of the petitioners for the offences alleged under Sections 341, 323, 324, 307, 354B, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act, registered in connection with Nawalpur P.S. Case No. 32 of 2024.

3. As per prosecution case, when the informant, his wife and his son went to attend marriage ceremony of his sister in the meantime, petitioner no. 1 and 2 were entered in his house and taken away her daughter in a maize field and outraging the



modesty with her, on raising alarm they fled away. It is further alleged that when the informant and his son went to enquire about the matter, petitioner no. 3 and his family members assaulted them due to which they sustained injuries.

4. The learned counsel for the petitioners has submitted that petitioners have been falsely implicated in this case and have committed no offence. There is no explanation of delay of about one week in lodging the FIR. There is a case and counter case between the parties and members of both parties have sustained injury as alleged in a separate occurrence. He further submitted that the allegation as mentioned in the FIR regarding outraging the modesty to the daughter of the informant is totally false. Both sides have entered into compromise and in support of this annexure-3 has been annexed with this petition. Petitioners are person of clean antecedent and they are in custody since 13.05.2024.

5. Learned APP for the State has opposed the prayer of bail.

6. Considering the above facts and circumstances of the case and petitioners having clean antecedent, let the petitioners, above-named, 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 learned Additional District and Sessions Judge-6th-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 32 of 2024, subject to the condition that the petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the Court and further a condition that:

(i) If it is found that the petitioners are involved in similar nature of case, the Court below shall be at liberty to cancel their bail bonds.

(ii) The petitioners shall remain present physically on each and every date till examination of the informant and the victim.

(Nawneet Kumar Pandey, J)

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