

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42658 of 2024

Arising Out of PS. Case No.-463 Year-2023 Thana- KANTI District- Muzaffarpur

1. Pawan Kumar

2. Santosh Kumar

3. Sonu kumar

All sons of Shambhu Ram resident of village - madhuban, P.S.- kanti, Distt- Muzaffarpur

... .. Petitioner/s
- Versus
1. The State of Bihar

2. Lalita Devi W/o Late Shatruhan Ram R/o Village-Madhuwan, P.S.-Kanti, District-Muzaffarpur

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-08-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 of the IPC and Section 8/2 of the POCSO Act in connection with Kanti P.S. Case No.463 of 2023.

3. The learned counsel for the petitioners at the outset submit that from perusal of the office report dated 20.08.2024, it would manifest that the same records that notices have been received by the brother and daughter of the O.P. No.2. Since the notices have been received by the brother and daughter of the



O.P. No.2, as such it is deemed to have been validly served.

4. The learned counsel submits petitioners are persons with clean antecedent and the informant alleges that while she was on duty in Prasad Hospital when Chhotu entered her house and finding his minor daughter alone started molesting her, on alarm neighbours came and informed the informant about the occurrence on phone, further her daughter was admitted at S.K.M.C.H. on 19.06.2023 for treatment. Further on 22.06.2023 in a marriage ceremony the said occurrence was being discussed by her cousin brother, namely, Prakash and Rajeev, when it is alleged that the accused persons including the petitioner came and Chhotu along with Shriram assaulted her both brothers by an iron rod causing injury on head and also assaulted her and her family members when they intervened to save them, further her brother were taken to PMCH.

5. The learned counsel submits petitioners have been falsely implicated in the instant case by the informant being family members of Chhotu. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Chhotu. It is also submitted that it is Chhotu along with Shriram are alleged to have assaulted the cousin brothers of the informant in a



marriage. It is next submitted that no overt act has been alleged against the petitioners.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Kanti P.S. Case No.463 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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