

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45392 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- RAMGARHWA District- East Champaran

1. Shubhash Tiwari @ Shubash Tiwari Son of Late Haribhajan Tiwari Resident of Vill- Tilkahani, P.S.- Ramgarhwa, District- East Champaran at Motihari.
2. Lakhi Devi Wife of Shubhash Tiwari @ Shubash Tiwari Resident of Vill- Tilkahani, P.S.- Ramgarhwa, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Bhudeva Mahto Son of Akshay Lal Mahto Resident of Vill- Ragnathpur, Ward No-11, P.S.- Ramgarhwa, District- East Champaran at Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
		Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Ramgarhwa P.S. Case No. 54 of 2024 dated 06.03.2024, instituted for the offence punishable under Sections 366 (A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on 22.02.2024 at about 07:00 am, while informant's daughter was going to her coaching class, petitioners along with other co-accused named in the F.I.R. kidnapped her for the purpose of either marrying her with co-accused Rahul or selling her.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the specific allegation is against co-accused Rahul Kumar. Petitioner no. 1 is the father and petitioner no. 2 is the mother of said Rahul Kumar due to which they have been falsely implicated in this case. It is further submitted that there was love affair between the son of petitioners and daughter of informant. Petitioners have no involvement in the said occurrence. It is further stated that there is a delay of 13 days in lodging the FIR without any cogent and plausible explanation. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ramgarhwa P.S. Case No. 54 of 2024, they shall be released on anticipatory bail 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 7th Additional Sessions Judge Cum Special Judge



POCSO Act, East Champaran, Motihari, subject to condition as
laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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