

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49444 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- KAHALGAON District- Bhagalpur

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1. Bindeshwari Mandal SON OF KAPILDEV MANDAL VILLAGE-PAKKISARAI, PS- GHOGHA, DIST- BHAGALPUR
 2. BIRBAL KUMAR SON OF SRI BINDESHWARI MANDAL VILLAGE-PAKKISARAI, PS- GHOGHA, DIST- BHAGALPUR
 3. AJJHOLA DEVI WIFE OF SRI BINDESHWARI MANDAL VILLAGE-PAKKISARAI, PS- GHOGHA, DIST- BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRADIP KUMAR MANDAL SON OF LATE RAMDHARI MANDAL VILLAGE- PAKKISARAI, PS- GHOGHA, DIST- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Adv.
Mrs. Pravina Kumari, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard Mrs. Pravina Kumari, learned Counsel for the
petitioners and Md. Aslam Ansari, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kahalgaon (Ghogha) P.S. Case No. 75 of 2024 in POCSO Case No. 20 of 2024 for the offence registered under sections 366(A)/34 of the Indian Penal Code lodged on 01.02.2024 by the informant Pradeep Kumar.

3. As per the prosecution story, the informant alleged that his daughter 'x' went missing and later came to notice that the family members of these petitioners are behind her



disappearance. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they are family members of Ramesh Kumar, the girl was in relationship, he has already been arrested and the girl returned home and further as per her information, the girl in her own 164 Cr.P.C statement narrated that she has married Ramesh Kumar.

5. Learned counsel submits that in any case, the boy concerned is in custody and they are family members.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the minor girl was taken away by the accused side.

7. Taking into account the aforesaid facts as also the development that has been narrated by learned counsel for the petitioners, the man in question, Ramesh Kumar is already in custody and these petitioners are family members having no criminal antecedent, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Judge (POCSO) cum 7th Additional District and Sessions Judge, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 75 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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