

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60658 of 2024

Arising Out of PS. Case No.-261 Year-2021 Thana- KALYANPUR District- East Champaran

1. Puja Kumari Daughter of Birendra Ram R/o Village- Bahlolpur, P.S.- Kalyanpur, District- East Champaran
2. Birendra Ram @ Virendra Ram Son of Nathuni Ram R/o Village- Bahlolpur, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Nil Kishore Ram R/o Village- Bahlolpur, P.S.- Kalyanpur, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 363, 366-A, 504, 506 and 34 of the Indian Penal Code read with Sections 4, 6 and 8 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioner are persons with clean antecedent and petitioner no. 1 is a married lady and the informant alleges that Ashok Paswan in connivance with petitioners and other took her minor daughter aged about 17 years on pretext of attending nature's



call on 01.10.2021 at about 07:00 PM and when her daughter did not return, she went to the house of the petitioners to inquire when she was abused by Birendra.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that victim and Ashok Paswan were in love and they eloped, further victim is a major and has also married Ashok and out of the wedlock a child was born and she is presently staying with Ashok. It is further submitted that the informant, realizing her mistake and on intervention of well wishers, has compromised the case with the accused persons including the petitioners as would manifest from the compromise dated 06.04.2024 (*Annexure-2* to the anticipatory bail application). It is also submitted that petitioner no. 1, being friend of victim, came to be implicated with her father who is petitioner no. 2.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 261 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioners shall verify from the informant with regard to the genuineness of the compromise and in the event if the informant disputes the compromise, the present anticipatory bail order shall not be given effect to.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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