

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67728 of 2024

Arising Out of PS. Case No.-393 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Indu Devi @ Bindu Devi W/o Ramashankar Ray R/o Village Mahrajganj, P.S. Mufassil, District - Saran at Chapra
2. Shankar Ray S/o Indrashan Ray R/o Village Mahrajganj, P.S. Mufassil, District - Saran at Chapra
3. Gautam Kumar @ Gautam Rai S/o Shankar Ray R/o vill - Mahrajganj, P.S. - Muffasil, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushaliya Devi W/o Dhurendra Rai R/o vill - Maharajganj, P.S. - Muffasil, Distt. - Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr.Avinash Kumar Pandey, learned counsel
for the petitioners and Mr.Gauri Shankar Gupta, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S.Case No.393 of 2023, FIR dated 25.05.2023 registered for the offences punishable under Sections 341,323,354(B),504,506/34 of the Indian Penal Code and Sections 7/8 of the POCSO Act.

3. Allegation against the petitioners is that they alongwith other accused persons assaulted, abused and scuffled to informannt on her door.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the allegation of committing wrong to the daughter of the informant is against co-accused person namely, Aarvind Kumar and petitioners are family members of Arvind Kumar and there is no specific allegation against the petitioners and only allegation against the petitioners is that when the informant was coming to the house of the petitioners, the petitioners have misbehaved with her.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judge VI-cum-Exclusive Special Judge, POCSO, Saran at Chapra in connection with Muffasil



P.S.Case No.393 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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