

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77684 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- VAISHALI District- Vaishali

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1. Bechan Mahto Son Of Late Sita Mahto R/O Vill - Birma Math, P.S. - Vaishali (Belsar O.P.) Distt. - Vaishali
 2. Krishna Devi W/O Bechan Mahto R/O Vill - Birma Math, P.S. - Vaishali (Belsar O.P.) Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manti Devi W/o Ram Bharosh Mahto R/o vill- Birma Math, P.S. - Belsar O.P., Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh
For the State	:	Mr. Md. Mushtaque Alam
For the Informant	:	Mr. Santosh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and 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 363, 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The learned counsel for the petitioners submits that the petitioners, being father and mother of Prakash Kumar, have been falsely implicated by the opposite party no.2 in the instant case with an allegation that her minor daughter aged about 15



years on 09.10.2022 at about 11.45 P.M. had gone to attend the call of nature, but did not return and after hectic search, the informant came to know that Prakash Kumar along with the petitioners have kidnapped her daughter for getting her married and when she went to the house of Prakash, then his family members including the petitioners abused and assaulted.

4. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the daughter of the informant was in love with Prakash Kumar, son of the petitioners and she eloped. It is further submitted that the F.I.R. even came to be instituted 15 days after the occurrence, which further demonstrates that the opposite party no.2 was well aware that her daughter has eloped with the son of the petitioner. It is next submitted that whether victim is a minor or a major that will be decided in the trial.

5. Learned A.P.P. along with learned counsel for the opposite party no.2 opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel for the petitioners that F.I.R. was instituted 15 days after the occurrence and the petitioners are parents of Prakash Kumar.

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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned VIth Additional Sessions Judge-cum-Special Judge, POCSO, Vaishali at Hajipur in connection with Vaishali P. S. Case No.416 of 2022 dated 24.10.2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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