

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78565 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- GORAUL District- Vaishali

1. ARUN KUMAR SON OF MACHU PASWAN RESIDENT OF VILLAGE-SONDHO DIH, WARD NO. 4, PO- SONDHO, PS- GORAUL, DIST-VAISHALI
2. GITA DEVI WIFE OF LATE MACHU PASWAN RESIDENT OF VILLAGE- SONDHO DIH, WARD NO. 4, PO- SONDHO, PS- GORAUL, DIST- VAISHALI
3. PANKAJ PASWAN SON OF MACHU PASWAN RESIDENT OF VILLAGE- SONDHO DIH, WARD NO. 4, PO- SONDHO, PS- GORAUL, DIST- VAISHALI
4. SONI DEVI @ SONAM DEVI WIFE OF PANKAJ PASWAN RESIDENT OF VILLAGE- SONDHO DIH, WARD NO. 4, PO- SONDHO, PS- GORAUL, DIST- VAISHALI
5. KHUSHBU DEVI WIFE OF PAPPU PASWAN RESIDENT OF VILLAGE-SONDHO DIH, WARD NO. 4, PO- SONDHO, PS- GORAUL, DIST-VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. ANITA DEVI SHRAVAN PASWAN SANDHO DIH WARD NO 4

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in
connection with Garoul P.S. Case No. 265 of 2023 registered
under Sections 363, 366(A) and 34 of the Indian Penal Code
and Section 4/8 of the POCSO Act lodged on 21.06.2023 by the



informant, Anita Devi.

3. Pursuant to the last order passed by this Court on 04.12.2023 directing the petitioner's family to produce the girl before the concerned court so that her statement under Section 164 of the Cr.P.C. is recorded, in case, their claim that she is residing with them is correct.

4. Accordingly, the girl was produced before the Court of learned District and Sessions Judge Vth cum Spl. Court, Pocso, Vaishali at Hajipur and the statement of the girl was recorded under section 164 of the Cr.P.C. where she has stated that she was beaten by her maternal grand-mother, abused by her mother for having relationship with the petitioner no. 1, Arun Kumar. She as such, left the place on her own and solemnized marriage with the petitioner no. 1. As on 14.12.2023, when the statement was recorded, she was pregnant. On specific question where she wants to go, a statement was made that save and except her in-laws house, she would not like to go anywhere. This statement has been sent by the concerned court in a sealed envelope.

5. Considering the aforesaid facts as also that since the FIR is lodged and trial will take place and come to its logical conclusion, this Court is convinced that, they deserve



bail.

6. 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 Additional District and Sessions Judge Vith cum Special Judge, POCSO, Vishali at Hajipur in connection with Garoul P.S. Case No. 265 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *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 their 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 their 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)

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