

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79520 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- HARSIDHI District- East Champaran

1. Golu Das @ Golu Kumar Son Of Ravindra Das Resident Of Village -Ranjita Tatwa Toli, Ps- Harsidhi, Distt- East Champaran
2. Baleshwar Das Son Of Bhuteli Das Resident Of Village -Ranjita Tatwa Toli, Ps- Harsidhi, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 366, 366(A) of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, petitioner No. 1 along co-accused Rupesh Das is alleged to have kidnapped and committed rape upon the daughter of the informant.

4. Learned counsel appearing for the petitioners submits that though there is specific allegation of committing rape upon petitioner No. 1, the victim in her statement recorded under Section 164 Cr.P.C. has not alleged any allegation of sexual assault against petitioner No. 2. He further submits that as a matter of fact, daughter of the informant was in love with



co-accused Rupesh Das and wanted to marry him but due to family dispute the marriage could not be solemnized between them.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. In view of the specific allegation of sexual assault against petitioner No. 1, **prayer for anticipatory bail of petitioner No. 1 is refused.** However, since the victim has not alleged anything wrong against petitioner No. 2 in her statement recorded under Section 164 Cr.P.C., the **anticipatory bail with regard to petitioner No. 2 is allowed** and it is ordered that the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Harsidhi P. S. Case No. 298 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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