

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- ARWAL District- Jehanabad

1. Shakuntala Devi W/o Chandrama Paswan R/o vill - Khangah, P.s. - Arwal, Distt. - Arwal
2. Chandrama Paswan Son of Moti Paswan R/o vill - Khangah, P.s. - Arwal, Distt. - Arwal
3. Bhushan Paswan Son of Chandrama Paswan R/o vill - Khangah, P.s. - Arwal, Distt. - Arwal
4. Vishawanath Paswan @ Lucha Son of Chandrama Paswan R/o vill - Khangah, P.s. - Arwal, Distt. - Arwal
5. Shani Paswan Son of Chandrama Paswan R/o vill - Khangah, P.s. - Arwal, Distt. - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-01-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Special POCSO Case No. 116 of 2023 arising out of Arwal P.S. Case No. 484 of 2023 instituted under under Section 323, 341, 366(A), 504 of the Indian Penal Code and 8, 12 of POCSO Act lodged on 18.9.2023 by the informant.

3. As per the prosecution story, the informant has alleged that his daughter had gone to tuition but failed to return. Later, he came to know that Rabindra Kumar who belongs to the family of the petitioner had taken her away for the purpose of marriage. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they



are family members being mother (petitioner no.1), father (petitioner no.2) and petitioner nos. 3 to 5 are their sons and as per the FIR itself, it was their son Rabindra Kumar who had taken the girl for the purpose of marriage and they had no role to play in the matter.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also that they are family members, the allegation has been attributed to Rabindra Kumar and none of them have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Special POCSO Case No. 116 of 2023 arising out of Arwal P.S. Case No. 484 of 2023 to the satisfaction of learned A.D.J.-VI cum Special Judge (POCSO) Act, Jehanabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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 the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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