

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3010 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- ADAPUR District- East Champaran

1. ANISHA KUMARI DAUGHTER OF LATE SURESH SAH RESIDENT OF VILLAGE - BAKHARI, P.S. - ADAPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI
2. RUBI DEVI @ RUBI KUMARI WIFE OF ANIL SAH RESIDENT OF VILLAGE - BAKHARI, P.S. - ADAPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI
3. BABITA DEVI @ KIRAN DEVI WIFE OF SURESH SAH RESIDENT OF VILLAGE - BAKHARI, P.S. - ADAPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI
4. KAUSHLYA DEVI WIFE OF SANJAY SAH RESIDENT OF VILLAGE - BAKHARI, P.S. - ADAPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI
5. SANJAY SAH SON OF SATYANARAYAN SAH RESIDENT OF VILLAGE - BAKHARI, P.S. - ADAPUR, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Adapur P.S. Case No. 281 of 2023 for the offence registered under sections 363, 366A, 504 and 34 of the Indian Penal Code, section of the POCSO Act and sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act lodged on 19.09.2023 by the informant, Lalan Paswan.

3. As per the prosecution story, the allegation is that the victim girl had gone to college for admission but was picked up by Munna Sah and other accused persons who fled with her.



Accordingly, the F.I.R.

4. In this case, a co-ordinate bench had called for the case diary and as per it, according to the information, the Munna Sah and the girl have been living somewhere in the Tamilnadu as the photographs have surfaced.

5. Learned Counsel for the petitioners submit that main allegation is against Munna Sah, they are family members *inasmuch* as the female inmates as also the elder brother (petitioner no. 5).

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

7. Taking into account the aforesaid facts as also that the allegation is mainly against Munna Sah, out of five, four petitioners are ladies, no criminal antecedent, the petitioner no. 5 is elder brother, F.I.R. lodged, will have to face the trial ultimately, this Court is inclined to extend them privilege of anticipatory bail.

8. 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 Court of 7th



Additional Sessions Judge cum Special Judge POCSO,
Motihari, East Champaran in connection with Aadapur P.S. Case
No. 281 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
their *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 their bail bonds.

(Rajiv Roy, J)

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