

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12147 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- DESARI District- Vaishali

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1. Sanjay Mahto Son of Late Satyanarayan Mahto @ Shatrughan Mahto Resident of Village- Sahdei Buzurg, P.S.- Desari (Sahadai), District- Vaishali
 2. Mita Devi W/O- Sri Sanjay Mahto Resident of Village- Sahdei Buzurg, P.S.- Desari (Sahadai), District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Urmila Devi W/o Late Garibnath Mahto Resident of Village-Sahdei Buzurg, P.S.-Sahdei, District-Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalika Nand Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 15-04-2025 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Desari (Sahadei) P.S. Case No. 325 of 2024 instituted under Sections 65(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita and Section 4/6 of the POCSO Act.

3. As per the prosecution case, co-accused Suraj Kumar @ Kallu who was playing with the minor grand daughter of the informant has raped her.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case only because they are parents of co-accused Suraj Kumar @ Kallu who is in judicial custody since 11.12.2024. The allegation against these petitioners is that on giving the information with respect to misdeed of their son they have



misbehaved with the informant. It is next submitted that there is delay of about one month in lodging the FIR. Petitioners have got clean antecedent and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned District and Additional Sessions Judge-VI-cum-Special Judge, POCSO, Hajipur, Vaishali in connection with Desari (Sahadei) P.S. Case No. 325 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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