

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59820 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- KURTHA District- Jehanabad

-
1. Motilal Sao @ Motilal Son of Late Hari Sao Resident of Village - Khemkaran Sarai, Kurtha, P.S. - Kurtha, District - Arwal
 2. Rekha Devi Wife of Motilal Sao @ Motilal Resident of Village - Khemkaran Sarai, Kurtha, P.S. - Kurtha, District - Arwal

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X Daughter of Late Ramanuj Sao Resident of Village - Kurtha, P.S. - Kurtha, District - Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Bhaskar Shankar
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 20-01-2025 1. Heard the parties.

2. The petitioner apprehends their arrest in connection with Kurtha P.S. Case No. 194 of 2023 dated 13.06.2023 registered under Sections 376 / 34 of the I.P.C. and Section 4 of the POCSO Act.

3. As per the F.I.R. lodged on 13.06.2023 the brother of the informant was having friendship with the co-accused Rahul Kumar and he started visiting the house of the informant frequently. They developed friendship and in 2019 they went to Kakolat waterfall where the co-accused Rahul Kumar made physical relationship with the informant on the pretext of



marriage. The victim was said to be minor in the year 2019. Due to physical relationship the victim became pregnant and Rahul Kumar took her to a private hospital and the entire money was spent by Rahul Kumar's mother, father and aunt ("fua").

4. Mr. Krishna Prasad Singh, learned senior counsel for the petitioners submits that allegation of establishing physical relation on the pretext of marriage is upon the co-accused Rahul Kumar and the only allegation against the petitioners is that they paid money for abortion of the victim. The petitioners are the parents of the co-accused Rahul Kumar. The Police after investigation submitted final form exonerating the petitioners from the charges however the learned Special Court differed with the final form and took cognizance against the petitioners. The co-accused Rekha Devi, W/o Late Munna Sao having similar allegation has been granted anticipatory bail by this Court in Cr. Misc. No. 50055 of 2024.

5. Despite service of notice, no one appeared for the Opposite Party No. 2.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that Police after investigation submitted final form not sending the petitioners for trial, the allegation of establishing physical



relationship is upon the co-accused Rahul Kumar and similarly situated accused person has been granted anticipatory bail by this court, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Special Judge (POCSO), Jehanabad in connection with Kurtha P.S. Case No. 194 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

