

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41951 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -PRATAPGANJ

District- SUPAUL

=====

1. Maslim Safi @ Muslim Safi,
 2. Chulhai Safi, both Sons of Late Jagu Safi,
 3. Idrish Safi @ Md. Idrish Safi,
 4. Kalim Safi, both Sons of Chulhai Safi,
 5. Salam Khatoon @ Lalo Khatoon, Wife of Maslim Safi @ Muslim Safi,
 6. Salam Khatoon, Wife of Idrish Safi,
 7. Makina Khatoon @ Salam Safi, Wife of Kalim Safi.
- All are Resident of Village- Tintoliya, Police Station- Pratapganj, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Rajeev Nayan

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 29-09-2016

Heard the parties.

This application, for grant of anticipatory bail, in connection with POCSO Case No. 01 of 2016, arises out of Pratapganj P.S. Case No. 58 of 2015, disclosing offences

under Sections 366A and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioners has submitted that it is true that there is specific allegation against co-accused, namely, Israil Safi, of commission of the offence alleged. It has, however, been submitted that the entire family members of said co-accused, Israil Safi, have been implicated falsely in the case. He contends that the investigation by the police is complete and the police have found implication of these petitioners, in the case, to be false and *charge-sheet* has been submitted only against said co-accused, Israil Safi.

However, despite the fact that there is no material collected in course of investigation, on the basis of which the Court would have proceeded against these petitioners, learned Chief Judicial Magistrate has taken cognizance and issued summons to these petitioners also, which has necessitated them to approach this Court for grant of anticipatory bail, learned counsel contends.

Considering the submission that investigation by the police is complete and they have found these petitioners to be innocent with respect to the crime alleged in the First Information Report, this application is allowed. Let the petitioners, above named, in the event of their arrest or

surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned 1st Addl. Sessions Judge, Supaul**, in connection with **POCSO Case No. 01 of 2016, arises out of Pratapganj P.S. Case No. 58 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-c

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