

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53521 of 2017

Arising Out of PS. Case No. -444 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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1. Shekh Jainul, son of Late Shekh Ahmad	
2. Shekh Muslim, son of Late Shekh Ahmad	
Both are village- Ajgarwa, P.S.- Banjariya, District- East Champaran,	
Motihari.	 Petitioner/s
Versus	
The State of Bihar	 Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners. No one appears on behalf of the State.

The petitioners apprehend their arrest in connection with Turkaulia (Banjaria) P.S. case no. 444 of 2017 for the offence under Sections 420, 376, 323, 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

From perusal of the F.I.R. it appears that there is allegation against one Aurangjeb, son of Sheikh Samshul, that he has sexually exploited the informant on the pretext of marrying her, but he declined to join the wedlock with the informant and thereafter there was a Panchayati, but the father of Aurangjeb declined to accept the marriage of his son with the informant. The allegation in second part is that (1) Aurangjeb, (2) Sheikh Jainul, (3) Sheikh Muslim, (4) Sheikh Mojahir and (5) Najara Khatoon



have abused, assaulted and threatened and said that they will not accede to the request of the informant for marriage with Aurangjeb.

Learned counsel submits that one Shekh Mojahir, against whom there was similar allegation like the present petitioners, was granted anticipatory bail in Cr. Misc. No. 48045 of 2017 vide order dated 11.10.2017 by a co-ordinate Bench of this Court.

On the ground of parity, this Court is also inclined to enlarge the petitioners on anticipatory bail. According to the petitioners, named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Turkaulia (Banjaria) P.S. case no. 444 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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