

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5504 of 2017

Arising Out of PS.Case No. -295 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

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1. Gulnaj Khatoon, daughter of Md. Neyamul
2. Gunja Khatoon @ Gunja Praveen, Daughter of Md. Neyamul
3. Md. Neyamul, son of late Md. Idrish
4. Md. Akbar @ Akbar, son of Ekramul

All resident of village- Lukki Nandlalpur, P.S. Kudhani (Turki O.P.),
District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2017 Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioners apprehending their arrest in connection
with Kudhani (Turki O.P.) P.S. Case No. 295 of 2016
instituted for the offences punishable under Sections 341, 323,
354, 376/511, 34 of the Indian Penal Code and Sections 4, 8, 12
of POCSO Act, have approached this Court for grant of
anticipatory bail.

The informant gave her Fardbeyan before the Police
and alleged that on 26.05.2016, when she was returning her
house one of the co-accused Md. Ujale started teasing her. She
raised alarm, whereupon her brother came there and saved her.



She has further alleged that in the evening at about 7.00 P.M., Md. Ujale and his family members came and brutally assaulted her.

The learned counsel for the petitioners submits that the petitioners are neighbours of the informant and prior to this case the brother of the petitioner nos. 1 and 2 filed a complaint case no. 1273 of 2016. A Panchayati was also conveyed to settle the matter. The allegation of outraging modesty and attempt to rape is against Md. Ujale.

The learned APP opposed the submission.

Both parties are neighbours and admittedly, a complaint case was filed earlier to the present case. The allegation of outraging modesty of victim and attempt to rape is against Md. Ujale. The allegation of assault appears to be omnibus and general in nature against these petitioners having regard to which I am inclined to extend them the privilege of anticipatory bail.

Prayer of anticipatory bail is allowed and the petitioners above named, in the event of arrest / surrender within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Court POCSO, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 295 of 2016, subject to the condition as laid down under Section 438(2), the Code of Criminal Procedure with further condition that:

- (i) One of the bailors shall be their own/close family members.
- (ii) The petitioners shall appear on each dated fixed at the trial. In case of fault in appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Sanjay Kumar, J)

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