

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44008 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- BALIGAON District- Vaishali

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1. Mobin Sah, S/o Late Asgar Sah, R/o Village- Chak Moienuddin, P.S.- Goraul (Kathara O.P.)
 2. Md. Naseem @ Naseem Sah, S/o Usman Sah, R/o Village- Belasanghan, P.S.- Baligaon.
 3. Ponga Sah, S/o Nafees Sah, R/o Village- Dargah Tola, P.S.- Baligaon, All District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rina Sinha
For the Opposite Party/s	:	Mr. Sri Shyam Bihari Singh
For the informant	:	Mr. Abhay Kumar,

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Baligaon P.S. case no. 13 of 2018 instituted for the offence under Section(s) 376/511 of the Indian Penal Code and Section 11/12 of POCSO Act.

Learned counsel for the petitioners has submitted that these petitioners are relation of co accused Phulo Sah.

In the written report specific allegation is levelled against co accused Phulo Sah of attempting to commit rape with the informant when she had gone to attend the call of nature. The statement of the victim has been annexed as Annexure-3 wherein she has levelled specific allegation against co accused Phulo Sah.



In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Baligaon P.S. case no. 13 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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