

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63465 of 2018

Arising Out of PS. Case No.-270 Year-2018 Thana- KHAJEKALA
District- Patna

- =====
1. Md. Salman Son of Md. Hannan @ Md. Hannan Miya @ Hannan
 2. Md. Shamshad @ Md. Shamshad Mansori Son of Md. Munna Both Resdident of Mohalla-Mogalpura Chhata Tal P.S. Khajekalan Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-12-2018 The petitioners seek bail in anticipation of their arrest in connection with Special Case No. 160 of 2018, arising out of Khajekalan P.S. Case No. 270 of 2018 instituted for the offences under Sections 341, 323, 354(A), 354(D) and 34 of the Indian Penal Code and Section 12 of the Protection of Children From Sexual Offences Act, 2012.

From the narration made in the F.I.R, it appears that there was some relationship between the petitioners and the informant and the mobile telephone numbers of the petitioners were blocked by the informant. On the day of the occurrence i.e. on 10.08.2018, the petitioners are alleged to



have stopped the informant and asked her to resume the contact on telephone. When this was protested by the parents and grand-mother of the informant, the grand-mother was assaulted by the petitioners.

The learned counsel for the petitioners has submitted that petitioners are next door neighbours of the informant and in fact, till very recently, good relationship existed between them and the informant. However, for some confusion, the telephone contact of the petitioners were blocked by the informant. The petitioners had only, as good neighbours, requested the informant to unblock their telephone numbers.

The learned counsel for the petitioners has further submitted that petitioners are ready to give an undertaking that they shall never in future stalk the informant. In case she is again disturbed, it would be open for the informant to approach the Senior Superintendent of Police of the District, who shall take action immediately.

Considering the aforesaid undertaking and the nature of accusation as also taking into account that the petitioners have been made accused in this kind of case for the first time, they, in the event of their arrest or surrender



within a period of four weeks from today before the learned Court below, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I-cum-Special Judge, POCSO Act, Patna in connection with Special Case No. 160 of 2018, arising out of Khajekalan P.S. Case No. 270 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While furnishing the bail bonds, the petitioners would be required to give an undertaking that they shall in future never disturb or harass the informant.

It is also made clear that in case such a complaint is made before the Senior Superintendent of Police, all efforts shall be taken to take steps for cancellation of anticipatory bail granted to the petitioners.

(Ashutosh Kumar, J)

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