

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74644 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- MAHILA P.S. District- Samastipur

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1. Md. Ejaj @ Md. Ejaj Ansari, S/o Md. Rahamtulla @ Rahamtullah,
 2. Md. Gulab, S/o Karim,
 3. Md. Azad alias Md. Aazad Ansari, Son of Maksud, All resident of Village- Gaddopur Momin Tola, P.S.- N.H. Bangara, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Bhagat

For the Opposite Party/s : Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-12-2018 Heard both sides.

Petitioners apprehend their arrest in Samastipur Mahila P.S. Case No.31 of 2018, registered under Section 376 and other sections of the Indian Penal Code and under Section 4 of the POCSO Act.

The mother of the victim alleged that when her minor daughter went to ease out in the field, petitioner no.1, Md. Ejaj @ Md. Ejaj Ansari committed rape with her. Md. Gulab and Md. Azad @ Md. Aazad Ansari, petitioners no.2 and 3 also put clothes in her mouth and she became unconscious. The brother and other family members of the victim brought her to her house.

Learned counsel for the petitioners submits that the



occurrence is said to have taken place on 12.07.2018 but the FIR was lodged on 02.08.2018. It is further submitted that the members of the Panchayat filed petition before the police officer about the false implication of the petitioners. It has come that the victim was carrying pregnancy and prior to the occurrence some case of kidnapping of the victim was also lodged but it appears from perusal of the FIR itself that the petitioners no.2 and 3 put clothes in her mouth and petitioner no.1 committed rape. The victim became unconscious and she was brought to her house by her family members.

Considering the nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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