

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5314 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- HARLAKHI District- Madhubani

1. Sabir Nadaf @ Md. Sabir (male) aged 42 years, Son of Late Bhola Nadaf, Resident of Village - Hat Parsa, P.S. - Harlakhi, Distt.- Madhubani
2. Okila Khatoon (female) aged about 40 years, Wife of Sabir Nadaf @ Md. Sabir, Resident of village - Hat Parsa , P.S. - Harlakhi, Distt.- Madhubani
3. Nayeem @ Md. Nayeem Nadaf (male) aged about 18 years, Son of Sabir Nadaff @ Md. Sabir, Resident of village - Hat Parsa , P.S. - Harlakhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case as per the written report of Renu Devi submitted to SHO, Harlakhi Police Station is to the effect that on 21.05.2018, the informant along with her minor



daughter, Juhi Kumari were returning home, after getting her appeared in the examination, but on the way, daughter of the informant was kidnapped by petitioner no.1, Sabir Nadaf, he also snatched Mangal Sutra of the informant and pushed her down on the earth. It is further alleged that when the informant went to the wife of Sabir Nadaf and enquired about her daughter then she abused the informant.

It is submitted by learned counsel for the petitioners that the victim is major and not minor and for the occurrence of 21.05.2018 at 6.30 P.M., the FIR was registered on 22.05.2018 at 4.30 P.M. It is further submitted that in the statement recorded under Section 164 of the Cr.P.C., the victim girl has stated that she was neither been assaulted nor being teased by any of the accused persons.

It is submitted by learned APP for the State that specific accusation is against the petitioners.

Considering the fact that specific accusation is against the petitioner no.1, Sabir Nadaf, this Court is not inclined to grant him privilege of anticipatory bail in connection with **Harlakhi P.S. Case No.109 of 2018** pending in the Court of learned **Ist Additional Sessions Judge-cum-Special Judge of POCSO Act, Mahubani.**



Accordingly, the application for grant of anticipatory bail of petitioner no.1 is rejected.

So far as petitioner nos.2 and 3 are concerned, considering the fact that the victim in the statement under Section 164 Cr.P.C., has not alleged any misbehavior or assault by any of them, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner no.2, Okila Khatoon and petitioner no.3, Nayeem @ Md. Nayeem Nadaf be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Ist Additional Sessions Judge-cum-Special Judge of POCSO Act, Mahubani** in connection with **Harlakhi P.S. Case No.109 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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