

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21101 of 2019

Arising Out of PS. Case No.-329 Year-2018 Thana- BAIRIYA District- West Champaran

1. Shamshad Alam, aged about 55 Years, Male, Son of Late Abdul Karim, Resident of village- Tilangahi, P.S.- Bairiya, District- West Champaran.
2. Neyaz Alam, aged about 25 Years, Male, Son of Shamshad Alam, Resident of village- Tilangahi, P.S.- Bairiya, District- West Champaran.
3. Emamul Alam @ Emamul Haque, aged about 20 Years, Male, Son of Shamshad Alam, Resident of village- Tilangahi, P.S.- Bairiya, District- West Champaran.
4. Jamshed Alam, aged about 22 Years, Male, Son of Shamshad Alam Resident of village- Tilangahi, P.S.- Bairiya, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Brij Kishor Mishra, Advocate.
For the State	:	Mr. Ajay Kumar -2, A.P.P.
For the Informant	:	Mr. Md. Anis Akhtar and Mr. Mahtab Alam, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the Informant.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 376/511, 504, 506/34 of the IPC and 4 of the POCSO Act.

The prosecution story, in brief, is that on 15.08.2018 at 11.00 P.M. in the night, the informant aged about 13 years, was sleeping in her house. In the meantime, co-accused Naushad Alam entered into her house and started misbehaving



with her. When she tried to make hulla, then he pressed her mouth with hand and forcibly tried to establish physical relationship with her. In that course, some people came there and saved her image. In the morning, when the family of the informant went to his house to ask him, accused persons abused and given threatening for dire-consequences.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The main allegation is against co-accused Naushad Alam who is alleged to have committed an offence under Sections 376/511 of the IPC.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-Ist-cum-Special Judge, Bettiah, District-West Champaran, in connection with S.G.R. No. 123 of 2018, arising out of Bairiya P.S. Case No. 329 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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