

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20467 of 2019

Arising Out of PS. Case No.-462 Year-2018 Thana- BARARI District- Katihar

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1. MD. NASIM Son of Taslim Mian. Resident of Village- Sakaraili, P.S.- Barari, District- Katihar.
 2. Taslim Mian @ Md. Taslim S/o Hari Mian. Resident of Village- Sakaraili, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard the learned counsel for the petitioners and

learned APP for the State.

The petitioners apprehend their arrest in connection with Barari (S) P.S. Case No. 462 of 2018 for the offences punishable under Section 354B/34, 341, 323, 448, 504, 354B/34 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution case, as per written report of Saida Khatoon, dated 07.12.2018 submitted to the Station House Officer, Barari Police Station is to the effect that on 04.12.2018 at about 9.00 P.M., the informant and her daughter were sleeping in the verandah, in the meantime, co-accused Talim entered into her hutment and started pulling the hand



and cloths of the daughter, and when the daughter of the informant raised alarm, then informant woke up and raised alarm, upon which, the informant's brother and son came and caught hold of co-accused Md. Talim. Thereafter, the petitioners and 8-9 other unknown persons came there with lathi and danda and assaulted the informant and her family members and they got release co-accused Md. Talim and damaged the hutment of the informant.

It is submitted by the learned counsel for the petitioners that co-accused Md. Talim, is brother of petitioner no. 1 and son of petitioner no. 2. There is no injury report on record to corroborate the accusation of assault. It is further submitted that even assuming the case to be true, no offence under Section 354B of the IPC and Section 8 of POCSO Act is made out against the petitioner. A statement has been made in paragraph-3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that petitioners are named in the FIR and the accusation is of assault to the informant and her family member.

Considering the fact that no specific accusation



has been levelled against the petitioner and the statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Chief Judicial Magistrate, Katihar. in connection with Barari (S) P.S. Case No. 462 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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