

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76642 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Islam Mian @ Md. Islam Ansari S/o Late Suleman Mian
 2. Ataur Rahman S/o Islam Mian Both Resident of Village-Wasilpur,P.S. G. Nagar,Distt.-Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Aslam Ansari
For the Opposite Party/s : Smt. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 387, 354, 504 and 506 IPC and Section 6 and 8 of the POCSO Act registered in connection with G.B . Nagar P.S.Case No. 248/2018.

3. It is submitted that the petitioners have been falsely implicated and the accusation against the petitioners who are father and son are highly improbable in nature. There is considerable delay in filing the complaint on 23.06.2018 for the alleged occurrence from 19.04.2018 to 02.05.2018. The informant and petitioner no. 1 are own brothers. The accusation of molesting the informant's daughter is on co-accused Akhlakur Rahman. The injury to the informant's daughter attributed to the assault by petitioner no. 1 is simple in nature. The accusation of snatching gold chain by petitioner no. 2 is mere embellishment. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge Ist, Siwan in connection with G.B . Nagar P.S.Case No. 248/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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