

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21836 of 2019

Arising Out of PS. Case No.-2 Year-2017 Thana- MAHILA PS District- Jehanabad

1. Ataur Rahman, aged about 51 years, Male, S/o Late Najibur Rahman R/o Mohalla- Shekh Alam Chak, Jehanabad, P.S.- Jehanabad, District- Jehanabad.
2. Abdual Barik @ S.M. Mazahrul Bari, aged about 46 years, Male, S/o Late Syed Abdul Bari, resident of Mohalla-Millat Lane Fida Hussain Road, Jehanabad, P.S.- Jehanabad, District- Jehanabad.
3. Md. Shaukat, aged about 43 years, Male, S/o Late Md. Mohiuddin R/o Mohalla- Jehana, P.S.- Atri Jahana, District- Gaya
4. Azzu Ahmad, aged about 51 years, Male, son of Islam Miyan R/o Mohalla-Millat Lane Fida Hussain Road, Jehanabad, P.S.- Jehanabad, District- Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Jehanabad Mahila P.S. Case No. 02 of 2017, registered for the offence under Sections 376/34 of the Indian Penal Code and under Section 4 of the POCSO Act.

Allegation has been made that accused persons have committed rape on a deaf, dumb and mentally challenged girl. The mother of the victim girl is also a physical teacher in



the same school, has lodged the complaint against the accused persons. The Police submitted the Final form, but the Court below differed with the same by a well reasoned order and taken cognizance. The Sessions Judge has also considered the same and rejected the bail of the petitioners.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail is rejected. However, if the petitioners surrender before the Court below within three weeks from today and pray for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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