

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26628 of 2019

Arising Out of PS. Case No.-654 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

-
1. MD. AFAM Son of Md. Fuchcho Resident of Village- Baniya tola, Barari, P.S.- Barari, District- Bhagalpur.
 2. Md. Sattan Son of Late Md. Amir Resident of Village- Dih Dariyapur, P.S.- Sajour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR..... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kotwali (Barari) P.S. Case No. 654 of 2018 registered for the offences punishable under Sections 420, 376, 34 of the Indian Penal Code and Section 8 of POCSO Act.

Md. Chand used to commit rape against the daughter of the informant for last three years alluring her to perform marriage with her, while allegation against these petitioners are that they kept the daughter of the informant in their house in the night and later on left her to the informant's house.

It is submitted by the learned counsel for the petitioners that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely



implicated in this case due to dirty village politics. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. Though, in the F.I.R. the informant has submitted that the petitioners have kept the victim in their house but in quite contradiction to the aforesaid case of the informant the victim in her statement under Section 164 Cr.P.C. has stated that the petitioners along with Md. Chand took her in auto and Md. Chand committed rape against her in auto itself. The said Md. Chand has been enlarged on bail by the Juvenile Justice Board. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1st-cum- Special Judge, POCSO Act, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 654 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

T.Kr./-

U		T	
---	--	---	--

(Prakash Chandra Jaiswal, J)

