

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29327 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- MAHILA P.S. District-
Muzaffarpur

- =====
1. MD. SULEMAN @ MD. SALMAN, male, aged about 23 years, Son of Mahmood Alam Resident of Purani Godri Road, P.S.- Nagar, District- Muzaffarpur.
 2. Md. Shamsheer @ Shamsheer Khan, male, aged about 32 years, Son of Motak Khan Resident of Purani Godri Road, P.S.- Nagar, District- Muzaffarpur.
 3. Md Azad @ Azad Khan, male, aged about 45 years, Son of Muslim Khan Resident of Purani Godri Road, P.S.- Nagar, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Surendra Kishore Thakur, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-05-2019 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, 354(A), 354(B), 504, 506/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act registered in connection with Mahila P.S. Case No. 45 of 2018.

3. It is submitted that the petitioners have been falsely implicated in obvious retaliation of earlier F.I.R. being Muzaffarpur Town P.S. Case No. 554 of 2018 (Annexure-2) lodged by the mother of the petitioner no. 1 which discloses land dispute between the parties who are neighbours. Upon threatening being given by the informant thereafter, another F.I.R. in Muzaffarpur Town P.S. Case No. 562 of 2018 was lodged by the



mother of the petitioner no. 1. The present F.I.R. has been lodged against the petitioners about one month after the two F.I.Rs. from the petitioners' side. 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 Special Judge, POCSO Act, Muzaffarpur in connection with Mahila P.S. Case No. 45 of 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 cooperate 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) That 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)

Ibrar/Chandran

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