

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55204 of 2019

Arising Out of PS. Case No.-423 Year-2017 Thana- RAMNAGAR District- West Champaran

1. AFTAB ALAM Son of Sheikh Iliyas, Resident of Village - Manguraha Deoraj, P.S.- Ramnagar, District- West Champaran
2. Sheikh Bhuttu Son of Late Neshar @ Nesar, Resident of Village - Manguraha Deoraj, P.S.- Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-09-2019 Heard both sides.

Petitioners apprehend their arrest in Ramnagar P.S. Case No.423 of 2017 registered under Sections 354A, 354C, 354D and 34 of the Indian Penal Code. Cognizance was also taken under the aforesaid sections as well as under sections 8 and 12 of POCSO Act.

The informant disclosed in his written application that the petitioners intercepted his granddaughter and tried to outrage her modesty by offering a mobile. They also snapped photographs showing that Aftab Alam was kissing her. The accused persons further threatened the victim to get the photographs viral.



Learned counsel for the petitioners submits that the informant lodged the case on 08.11.2017. The victim also made her statement under Section 164 of the Cr.P.C. reiterating the statement made by the informant, but true facts are that Md. Idris and others on the same day and time surrounded Aftab Alam in front of the house of Md. Idris (informant of the present case) and assaulted the petitioner Aftab Alam. Irfan @ Bandul intercepted Aftab Alam and gave dagger blow on him. Aftab Alam got incised wound on right temporal side and he lodged the case on 07.11.2017 itself, but the informant of the present case lodged the case on specific day when he came to know about institution of the case by the petitioner after setting up her granddaughter. It is further submitted that there is no photograph either attached with the F.I.R. or is available on record.

Having considered the facts that petitioner no.1 was earlier assaulted by the informant and others on 07.11.2017 for which Ramnagar P.S. Case No.416 of 2017 was registered and when the informant came to know about the institution of the case, he lodged the F.I.R. against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the



date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Ramnagar P.S. Case No.423 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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