

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67261 of 2019

Arising Out of PS. Case No.-446 Year-2019 Thana- NARPATGANJ District- Araria

1. MD. SERAJ @ MD. SIRAJ, S/o Md. Jalal @ Md. Jalaluddin Resident of Village- Sonapur Ward No.11, P.S.- Bathnaha, O.P. , District- Araria.
2. Md. Jalal @ Md. Jalaluddin, S/o Md. Fatkan Resident of Village- Sonapur Ward No.11, P.S.- Bathnaha, O.P. , District- Araria.
3. Md. Nezam @ Md. Nezamuddin @ Md. Nazam, Son of Md. Jalal @ Md. Jalaluddin Resident of Village- Sonapur Ward No.11, P.S.- Bathnaha, O.P. , District- Araria.
4. Md. Chotu @ Md. Sabir, S/o Md. Jalal @ Md. Jalaluddin, Resident of Village- Sonapur Ward No.11, P.S.- Bathnaha, O.P. , District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Narpatganj (Bathnaha) P.S. Case No. 446 of 2019, registered under Sections 376, 341, 323, 354(B), 504 and 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The accusation is that Md. Sahadat, brother-in-law of petitioner nos. 1, 3 and 4, namely, Md. Seraj, Md. Nazam and Md. Chotu @ Md. Sabir and son-in-law of petitioner no.2, Md.



Jalal used to reside at her Sasural with the petitioners. Since petitioner nos. 1, 3 and 4 are brother-in-law of informant, Md. Karim, hence, his daughter, Phurki Khatoon, used to go in their house, where Md. Sahadat developed the physical relation on assurance to perform the marriage as he had no issue with his wife and his daughter Phurki Khatton conceived pregnancy but thereafter, Md. Sahadat started to maintain distance with his daughter. On knowing the said fact, informant and his wife wife went at the house of the petitioner and made complainant but both were abused and assaulted.

Learned counsel for the petitioners submits that, in fact, Md. Sahadat, brother-in-law of petitioner nos. 1, 3 and 4 and son-in-law of petitioner no.2 developed physical relation with the daughter of the informant, who is also brother-in-law of petitioner nos. 1, 3 and 4 but with ulterior motive, petitioners have been implicated in the present case with false allegation. Further submission is that 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 six weeks from today, on furnishing bail bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, Araria in connection with Narpatganj (Bathnaha) P.S. Case No. 446 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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