

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 82947 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- MAHILA P.S. District- Sheohar

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1. MD MAKSOOD @ MD MAKSUD S/o Md Sattar R/o village- Kolso, P.S.- Tariyani, District- Shheohar
 2. Md Ayaz S/o Md Maksood @ Md Maksud R/o village- Kolso, P.S.- Tariyani, District- Shheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend arrest in Sheohar Mahila Police Station (for brevity *PS*) Case No 18 of 2018 dated 16.07.2018 instituted for the offence under Section(s) 323, 341, 354, 354B, 504, 506 of Indian Penal Code and Section 8 of Prevention of Children from Sexual Offences (for brevity, *POCSO*) Act.

It is submitted by the learned counsel for the petitioners that the first information report (for brevity, *FIR*) discloses attempt to commit offences under *POCSO* Act specifically against co-accused Md Saddam who is son of petitioner No 1 and brother of petitioner No 2. The said Md Saddam has been



allowed bail by this Court on 29.01.2019 in Cr Misc No 70005 of 2018. The petitioners have only been added as accused at the end of the FIR without any overt act under the provisions of the POCSO Act. The petitioners, prior to the instant case, have no criminal antecedent as per statement made in paragraph 3 and implication is as a counterblast since earlier the family of the informant were made accused by petitioner No 1 in another case.

Considering the aforesaid, let the petitioners, above named, surrender in the Court below for availing the privilege of anticipatory bail and if they do so, they shall be released on bail 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 Additional Sessions Judge I -cum- Special Judge, POCSO, Sheohar in connection with Sheohar Mahila PS Case No 18 of 2018 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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