

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18577 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- TARABARI District- Araria

1. RAZI @ RAJESH @ RAJIS @ NAWAJIS Son of Musa Resident of Village Baturbari, P.S. Tarabari, District - Araria.
2. Kamrul Son of Musa Resident of Village Baturbari, P.S. Tarabari, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Yogendra Kumar, A.P.P.
For the informant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-07-2020 Heard Mr. Anil Prasad Singh, learned counsel for the petitioners, Mr. Ramesh Kumar Singh, learned counsel for the informant and Mr. Yogendra Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Tarabari P.S. Case No. 148 of 2019 corresponding to Special (POCSO) Case No. 70 of 2019 registered for the offences punishable under Sections 341, 323, 324, 354/34 of the Indian Penal Code 1860 read with Section 7/8 of the POCSO Act.

The allegation against the petitioners is that while the niece of the informant was returning home from the school, petitioner No. 1 pulled and brought her in a bush and inflicted



knife blow over her head and thigh. It has further been alleged that when the niece of the informant started crying, nephew of the informant reached there. Thereafter, petitioner No. 2 inflicted knife blow on the head of nephew of the informant.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case due to previous enmity inasmuch as earlier the brother of the informant Md. Ekram had committed rape upon the sister of the petitioners, for which, Araria (Mahila) P.S. Case No. 151 of 2019 was registered for the offences under Sections 376 and 506 of the Indian Penal Code read with Section 6 of POCSO Act. Learned counsel further submits that in the First Information Report lodged by the sister of the petitioners, the brother of the informant Md. Ekram has been granted provisional bail by coordinate Bench of this Court vide order dated 08.06.2020 passed in Cr. Misc. 13737 of 2020. Learned counsel referring to Annexure-3 series submits that the injuries caused to the niece of the informant are simple in nature and the injury caused in her right upper region of leg is lacerated wound caused by hard and blunt substance. The allegation against petitioner 1 is of inflicting knife blow over her thigh. Learned counsel referring



to supplementary affidavit (Annexure-4) submits that both the parties have entered into compromise and a joint petition of compromise duly signed by both of them has been filed before the learned Additional Sessions Judge, Araria cum Special Judge, POCSO Act. Learned counsel further submits that the petitioners are in custody since 2.2.2020.

Learned counsel appearing on behalf of the informant on the other hand submits that he has no instruction with regard to the parties having been entered into compromise and compromise between the parties may be verified by the learned court below.

Having regard to the submissions made by the parties and taking into consideration the materials available on record in totality and the fact that there was previous enmity between the parties inasmuch as the First Information Report was lodged by the sister of the petitioners against the brother of the informant, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions cum Special Judge, Araria, in connection with Tarabari



P.S. Case No. 148 of 2019 corresponding to Special (POCSO)
Case No. 70 of 2019.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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