

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26469 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. MD. HAROON ANSARI @ HAROON MIAN ANSARI Son of Jane Alam Ansari Resident of Village - Dargah Muhalla, P.S.- Bettiah Town (Kalibagh) O.P. Nagar, Bettiah, Distt.- West Champaran.
 2. MUNNA ANSARI @ MD HASIM ANSARI Son of Md. Haroon Ansari @ Haroon Mian Ansari Resident of Village - Dargah Muhalla, P.S.- Bettiah Town (Kalibagh) O.P. Nagar, Bettiah, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Satyadev Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioners seek bail in Bettiah Town (Kalibag)

P.S. Case No. 369 of 2020, registered for the offence punishable

under Sections 307, 323, 354, 354(B) and other allied sections

of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, while the informant and

her husband had gone to market, Manjar Ansari son of petitioner

no. 1 is alleged to have entered into the house of informant and



tried to outrage the modesty of informant's daughter aged about 16 years. It is further alleged that when the informant and her husband went to the house of petitioners and made complaint, petitioner no. 1 assaulted the informant with *Dabia*, as result of which she sustained injuries on her waist, back, stomach and thigh. When husband of the informant came to rescue her, he was also assaulted by petitioner no. 2 with sword, causing head injury to him.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. There is case and counter case and the present case is counter version of Bettiah Town (Kalibag) PS Case No. 367 of 2020 which was lodged by father of petitioner no. 1 against the informant and others. There is no allegation of POCSO Act against the petitioners and there is only allegation of assault. The doctor has found the injury to be simple in nature. Petitioners are in custody since 14.01.2020 having clean antecedent.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail 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 Additional District Judge VI-cum-Special Judge



(POCSO Act), Bettiah, West Champaran in connection with Bettiah Town (Kalibag OP) P.S. Case No. 369 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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