

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37700 of 2020

Arising Out of PS. Case No.-72 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Mazharul Islam @ Guddu, aged 20 years, Male, Son of Sohail Ahmad, Resident of Village Sirnia, P.S. Ashok Paper Mill (APM), District Darbhanga.
 2. Md. Fahim @ Arzoo, aged about 26 years, Male, Son of Late Afroz Ahmad, Resident of Village Sirnia, P.S. Ashok Paper Mill (APM), District Darbhanga.
 3. Md. Ahmad @ Ahmad Ali, aged about 24 years, Male, Son of Usman Ghani, Resident of Village Sirnia, P.S. Ashok Paper Mill (APM), District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Amir Alam, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-03-2021 Learned counsel for the petitioners is permitted to
make correction in the first paragraph of the bail petition.

Heard Mr. Ajay Kumar Thakur, the learned counsel
for the petitioners and Mr. Nand Kishore Prasad, the learned
Additional P.P.

The petitioners seek bail in A.P.M. P.S. Case No.72 of
2020, registered under Sections 341, 323, 354, 354(b)(c)(d),
307, 506 and 34 IPC and under Sections 8/12 of the POCSO
Act.

The deceased herself is the informant of the case. She



disclosed in her statement recorded on 20.04.2020, on the basis of which, the FIR was registered, that she reads in Class-VIII. Three years ago, her mother separated and solemnized second marriage with Md. Izhar Hashmi. Her mother is residing with Izhar Hashmi in Darbhanga. The informant and her younger sister were living in her maternal house. One Rakesh Kumar used to impart tuition but Mazharul Islam @ Guddu, Md. Fahim @ Arzoo and Md. Ahmad, the petitioners, used to threaten her and they threatened the informant not to talk with Rakesh Kumar, the tutor. All the four were always hurling lewd comments and stalking her. She further disclosed that on 18.04.2020, she went to the house of her neighbour, but Md. Guddu threatened her of dire consequences. He made her life miserable and she became depressed. She confined herself in a room and set her ablaze.

Mr. Ajay Kumar Thakur, the learned counsel for the petitioners submits that the victim made her further statement on 05.05.2020 in PMCH and she disclosed a different story. She did not disclose that the petitioners were torturing her. It is further submitted that the petitioners are in custody since 20.04.2020. There is no material to show that the petitioners compelled the victim to commit suicide. The victim was under



duress on different counts. Her mother deserted her after solemnizing second marriage, but it appears from perusal of the case diary that the victim made specific allegation that all the three petitioners were always torturing her and they wanted to have relation with the victim. Whenever the victim came out from the house of her maternal grandmother, the petitioners and Rakesh Kumar used to stalk and passed lewd comments on her. Being fed up with such situation, the victim committed suicide.

It appears that when the victim made her statement, her maternal aunt and her younger sister put signature on her statement but her statement in PMCH was recorded not in presence of the doctor and no family members of the victim put signature on her second statement.

Taking into consideration the facts aforesaid and the fact that the petitioners forced and compelled the minor victim to commit suicide, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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