

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6245 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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1. Md. Mahtab Son of Md. Haibur @ Habibur Resident of Village - Begampur,
P.S.- K. Nagar, District - Purnea.
 2. Md. Motalif Son of Md. Haibur @ Habibur Resident of Village - Begampur,
P.S.- K. Nagar, District - Purnea.
 3. Md. Badal Son of Md. Haibur @ Habibur Resident of Village - Begampur,
P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand
For the Opposite Party/s : Mr.A.M.P.Mehta,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 11-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Special (POCSO) Case No. 54 of 2020, arising out of K.Nagar P.S. Case No. 265 of 2020, registered for the offence under Sections 363, 365, 376(D) (A) of the Indian Penal Code and Section 4 / 6 of POCSO Act.

As per the prosecution case, due to family dispute between the parties, a *panchayat* was convened and in the *panchayat*, all the accused persons confined the informant, her husband and other family members and it is alleged that co-accused, named in the F.I.R., committed rape upon the



informant and at the subsequent time, later on, four other persons have taken the informant and her minor daughter to some other place and committed rape upon the minor daughter of the informant.

It is submitted on behalf of petitioners that admittedly, there is family dispute between the parties and for resolution of the same, a *panchayati* was held, in which, these petitioners participated. It is further submitted that specific allegation of commission of rape is against other co-accused persons named in the FIR. Similarly situated co-accused namely Jullu Rahman has already been granted bail by a coordinate Bench of this Court, vide order dated 01.07.2021 passed in Cr.Misc. No. 8992 of 2021. Petitioners have got clean antecedent and they are in custody since 13.10.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioners is allowed. Let the above named petitioners be released 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



learned 6th Additional Sessions Judge-cum-Special Judge
(POCSO Act), Purnea in connection with Special (POCSO)
Case No. 54 of 2020, arising out of K.Nagar P.S. Case No. 265
of 2020, on the following conditions:

- “(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.
- (2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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