

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11357 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

1. SHAHEEN AQBAL @ MD SHAHIN @ MD SHAHIN IQBAL Son of Late Md. Kalim Resident of Mohalla - Barahpura, Police Station - Ishakchak, District - Bhagalpur.
2. Md. Bhola @ Md. Sarfraz @ Bhola @ Md. Samforoz Son of Late Md. Kalim Resident of Mohalla - Barahpura, Police Station - Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-12-2021 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Ishakchak P.S. Case No. 66 of 2020 instituted for the offence under Sections 341, 354(B), 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Though there is accusation against the petitioners of having assisted co-accused Md. Mahtab in attempting to outrage the modesty of the daughter of the informant but the learned counsel for the petitioners has submitted that



there is a reason behind lodging this case against the petitioners.

There is a twenty days delay in lodging the First Information Report. Apart from this, it has been submitted that there is a counter version of the occurrence lodged by the main accused Md. Mahtab against the informant and others.

Considering the futility of the accusation against each side, the parties have decided not to prosecute each other. It has also been submitted that the age of the victim has wrongly been stated to be 14 years. But according to her Aadhar Card, she is aged about 19 years. The learned counsel for the petitioners has thus tried to demonstrate that the offence under the POCSO Act will not be attracted.

Be that as it may, regard being had to the background facts of the parties lodging cases against each other and not desirous of prosecuting each other any further, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of



receipt / production of a copy of this order, on furnishing
bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each
with two sureties of the like amount each to the satisfaction
of learned Special Judge (POCSO-cum-8th Additional District
and Sessions Judge, Bhagalpur, in connection with Ishakchak
P.S. Case No. 66 of 2020, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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