

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9185 of 2021

Arising Out of PS. Case No.-185 Year-2019 Thana- GORAUL District- Vaishali

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1. AMIR KHAN Son of Mansur Khan @ Md. Mansur Alam Resident of Village-Mahammadpur Pojha, P.S.-Goraul, District-Vaishali.
 2. Mahfuz Khan Son of Rauf Khan @ Rahuf Kha Resident of Village-Mahammadpur Pojha, P.S.-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-04-2021 Heard Mr. Subhash Kumar, learned counsel for the petitioners and Mr. Upendra Kumar, learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Goraul P.S. Case No. 185 of 2019 registered for the offence under Section 376 / 307 / 34 of the I.P.C. and Section 4 / 6 / 8 of the POCSO Act.

The allegation as per the First Information Report is that petitioners along with other accused persons forcibly lifted the informant and took her to a nearby maize field where the co-accused / Md. Imran committed rape upon her. It has been alleged that petitioners along with the co-accused / Salman



Khan also tried to commit rape upon 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 with oblique motive. Learned counsel next submits that the fact of the matter is that there was love affair between the informant and the co-accused / Md. Imran and both informant and Md. Imran has solemnized marriage (“Nikah”) on 12.07.2019 and are living as husband and wife. Learned counsel referring to Annexure -2 to the petition submits that Md. Imran, against whom allegation of rape is there and the co-accused / Salman Khan having similar allegation as that of the petitioners have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 3332 of 2020.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that similarly situated accused persons have been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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 Exclusive Special Court POCSO -cum-A.D.J.-VI, Vaishali at Hajipur in connection with Goraul P.S. Case No. 185 of 2019.

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

(Anil Kumar Sinha, J)

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