

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21060 of 2022

Arising Out of PS. Case No.-134 Year-2018 Thana- PAROO District- Muzaffarpur

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1. Md. Murtaza S/o Md. Shamid Miya R/o village- Bazidpur, P.S.- Paroo, District- Muzaffarpur
 2. Md. Eijaz S/o Md. Naeem Miya R/o village- Bazidpur, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neetu Kumari D/o Chandrama Chaudhary R/o village- Bazidpur, P.S.- Paroo, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Dhirendra Pratap Singh
For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Paroo P.S. Case no. 134 of 2018 instituted for the offence punishable under Sections 323, 379, 376, 511, 506 of the Indian Penal Code and sections 6 & 8 of the Protection of Children from Sexual Offences (POCSO Act).

As per allegation in the FIR, while the informant was alone at her home both the petitioners entered into her house gagged her mouth and tore her clothes. It is further alleged that



petitioner no.2 threw her on bed and both the petitioners tried to outrage her modesty. When her father came to house he saw that both the petitioners wherein objectionable position with his minor daughter.

Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Both the parties are on inimical terms as earlier also informant's father had lodged Paroo P.S. Case no. 227 of 2017 against the entire family members of the petitioners. The informant did not state the specific fact in respect of occurrence in her restatement before the Investigating Officer. Victim had not gone for medical check up or for her statement under section 164 Cr.P.C.

Learned APP appearing for the State and learned counsel for the Informant have opposed the prayer of bail and submitted that the informant is minor which is specifically mentioned in her complaint as well as in FIR. It is further submitted that the statement of informant and other witnesses supported the prosecution story. She has made direct allegation against both the petitioners for outraging the modesty.

Having heard learned counsel for the parties and considering the fact that petitioners have tried to outrage the



modesty of minor girl, I am not inclined to grant bail to the
petitioners and, as such, their applications for bail is rejected.

(Sunil Kumar Panwar, J)

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