

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26834 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

1. Md. Saiyad Son Of Md Mozim @ Md Mojim Resident Of Village- Mansurpur , P.S- Motipur , Dist- Muzaffarpur
2. Md Ibraheme Son Of Md Mozim @ Md Mojim Resident Of Village- Mansurpur , P.S- Motipur , Dist- Muzaffarpur
3. Md Mozim @ Md Mojim Son Of Late Haziz Resident Of Village- Mansurpur , P.S- Motipur , Dist- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 448, 341, 342, 504, 323, 506, 376/34 of the Indian Penal Code and Sections 4/6 of POCSO Act.

The prosecution allegation, in short, is that the accused persons, variously armed, came to the house of the informant and abused her and dragged her out of the house and



also threatened to defame her.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused due to mistake of fact. The allegation of commission of rape is against the co-accused Md. Bahzad. So far petitioners are concerned, they happen to be father and brothers of the said co-accused and for the said reason, they have been made accused in the present case. Except for this, there is no other substantive evidence to suggest the participation of the petitioners in the alleged occurrence.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of 7th Addl. Sessions Judge-cum- Special Judge POCSO Act, Muzaffarpur in connection with Mahila P.S. Case No. 89/2021,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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