

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33034 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- SURSAND District- Sitamarhi

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1. MD. MAKHDUM @ MD. MAKHDUM RAZA @ MD. MAKHDOOM @ RAZA IRFANI SON OF HAJIJUR RAHMAN @ BHUTTU RESIDENT OF VILLAGE- SHANKARPUR, WARD No.- 6, P.S.- SURSAND, DISTRICT- SITAMARHI.
 2. MD. SIFTAIN SON OF MD. ATIKUR RAHMAN RESIDENT OF VILLAGE- SHANKARPUR, WARD No.- 6, P.S.- SURSAND, DISTRICT- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 447, 323, 354B, 354D, 504 & 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.



All the F.I.R. named accuse including these petitioners are said to have made video of the minor girl of the informant while she was cutting grass. When the same was objected by her, they pressed her mouth, picked her and took towards the mango orchard in north direction and completely disrobed her, her private parts were teased and made video.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that after investigation police has filed final form against these petitioners (Anenxure-2) but the learned court below differing with the final form took cognizance against them. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



lower Court where the case is pending/successor Court in connection with Sursand P.S. Case No.361 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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