

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34899 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- MAHILA PS District- East Champaran

1. Shakir Hussain Son Of Neemroda Resident Of Village - Janerwa, P.S.- Banjaria, Distt.- East Champaran At Motihari.
2. Shahid Son Of Neemroda Resident Of Village - Janerwa, P.S./- Banjaria, Distt.- East Champaran At Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 376, 341, 323, 504/34 of the Indian Penal Code, Sections 3(1)(w) of the SC/ST Act and Section 4/6 of the POCSO Act.

Prosecution case as per F.I.R. is that when the informant went to attend call of nature, she was ravished by co-accused Mantosh Kumar. It is alleged against petitioners that petitioners being the members of the Panchayati, have brutally assaulted the informant and her family members.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have falsely been implicated in the present case. The main allegation of rape is against co-accused Mantosh Kumar. It is also submitted that the victim has solemnized marriage with co-accused Mantosh Kumar and on the basis of compromise both are living together. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is also submitted that similarly situated co-accused has been granted bail vide order dated 20.12.2021 by the coordinate Bench of this Court, passed in Cr. Misc. No. 14706 of 2021.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Motihari, East Champaran in connection with Mahila Motihari P.S. Case No. 25 of 2020, subject to



the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Sunil Kumar Panwar, J)

nirajkrs/-

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