

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52222 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- SIKTA District- West Champaran

1. Amanullah Son Of Late Sheikh Tajuddin R/O Village- Jhunka, P.S.- Sikta, Dist.- West Champaran
2. Saifullah Son Of Late Sheikh Tajuddin R/O Village- Jhunka, P.S.- Sikta, Dist.- West Champaran
3. Hasan Bibi @ Hasan D. B. Wife Of Late Sheikh Tajuddin R/O Village- Jhunka, P.S.- Sikta, Dist.- West Champaran
4. Gulrej Son Of Late Safi Ahmad R/O Village- Jhunka, P.S.- Sikta, Dist.- West Champaran
5. Latiful Azam Son Of Firyajan R/O Village- Jhunka, P.S.- Sikta, Dist.- West Champaran

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 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 376, 504, 506, 34 of the Indian Penal
Code in which cognizance has been taken under Section 376
IPC and Section 4 of POCSO Act.



The prosecution allegation, in short, is that the co-accused established physical relation with the victim on the pretext of the marriage and later denied and petitioners being family members caught hold of the victim.

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 falsely been implicated in the present case. The main allegation is against co-accused Tausif who is alleged to have committed rape on the victim. The age of the victim as per F.I.R. is said to be 18 years. Hence, POCSO Act is not attracted in the present case. The petitioners have been made accused only for the reason that they happened to be relative of the co-accused Tausif. From the medical examination report, there is no material to show that the victim was subjected to rape.

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 Additional District & Sessions Judge-7th -cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Sikta P.S. Case No. 52/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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