

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5334 of 2021**

Arising Out of PS. Case No.-265 Year-2020 Thana- KRITYANAND NAGAR District-  
Purnia

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1. MD. AFZAL Son of Md. Haibur @ Habibur, Resident of Village - Begampur, P.S.- K. Nagar, District - Purnea.
  2. Md. Josim Son of Md. Haibur @ Habibur, Resident of Village - Begampur, P.S.- K. Nagar, District - Purnea.
  3. Md. Osim Son of Md. Haibur @ Habibur, Resident of Village - Begampur, P.S.- K. Nagar, District - Purnea
  4. Md. Hazarat Son of Md. Haibur @ Habibur, Resident of Village - Begampur, P.S.- K. Nagar, District - Purnea
  5. Md. Haibur @ Habibur Son of Late Md. Idrish, Resident of Village - Begampur, P.S.- K. Nagar, District - Purnea
  6. Md. Taifur Son of Late - Md. Idrish, Resident of Village - Begampur, P.S.- K. Nagar, District – Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand  
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

5      25-01-2022                      Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State through video conferencing.

The petitioners apprehend their arrest in connection with K.Nagar P.S. Case No. 265 of 2020 registered for offence punishable under sections 363, 365, 376(D) (A) of the Indian Penal Code and section 4/6 of the POCSO Act.

As per allegation, there was matrimonial dispute



between the son of the informant and daughter-in-law of the informant. It is alleged that petitioner no. 4, who is the father of daughter-in-law of the informant, demanded Rs. 3,00,000/- in panchayati. When the informant asked for some time to arrange the money whereafter petitioner nos. 1, 2, 3, 5 and 6 made the informant and her husband captive. They brought the informant to the house of co-accused Kasim, and the co-accused Kasim committed rape upon her. Thereafter, co-accused Ajizul brought the informant to the house of co-accused Taimur and Taimur also committed rape upon her. Petitioner no. 4 continued her son as captive. It is further alleged that co-accused Md. Biru, Md. Tajib, Md. Khusbu and Md. Tarikul lifted the minor daughter of the informant from her house and they all committed rape upon the minor daughter of the informant.

The learned counsel for the petitioners has submitted that there is no allegation of rape against the present petitioners. It has also been argued that petitioner no. 4 is an old man of 71 years and petitioner no. 5 is a handicapped person.

Although, it is true that there is no allegation of rape against the present petitioners, but the present petitioners made the informant captive and brought her forcibly to the house of Md. Kasim, who committed rape upon the informant. As such,



the complicity of the present petitioners in the alleged offence cannot be ruled out.

Considering the above mentioned facts and circumstances, in my view, it is not a fit case for anticipatory bail and accordingly, the prayer for anticipatory bail is hereby rejected.

**(Nawneet Kumar Pandey , J)**

Mahesh/-

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