

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44059 of 2022**

Arising Out of PS. Case No.-209 Year-2022 Thana- JOKIHAT District- Araria

1. MD. IMTIYAZ SON OF MD. TAIYAB HUSSAIN @ SHEIKH TAIYAB
RESIDENT OF VILLAGE- BHEBHRA, WARD NO.-11, PANCHAYAT-
CHOUKTA, P.S.- MAHALGAON, DISTRICT- ARARIA, PIN CODE -
854325
2. NOMAN @ MD. NOMAN SON OF MD. TAIYAB HUSSAIN @ SHEIKH
TAIYAB RESIDENT OF VILLAGE- BHEBHRA, WARD NO.-11,
PANCHAYAT-CHOUKTA, P.S.- MAHALGAON, DISTRICT- ARARIA,
PIN CODE - 854325

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindeshwar Kumar, Adv
For the Opposite Party/s :	Mr. Raj Kishor Singh, APP
	Mr. Gopal Kumar Jha, Adv

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 05-12-2022 Heard learned counsel for the petitioners, learned counsel
for the informant as well as learned Additional Public
Prosecutor for the State.

Learned counsel for the petitioners is directed to remove
the defects within four weeks.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 341, 323, 354(B),
504, 506 and 34 of the Indian Penal Code and u/s 8/12 of
POCSO Act.

The allegation against the petitioners is that they assaulted



and tried to outrage the modesty of the informant and her 10 years old daughter.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is an admitted land dispute between the parties and the parties are agnates. He submits that no case is made out u/s POCSO Act as there is general and omnibus allegation against the petitioners. He further submits that on the alleged day of occurrence, the daughter of the informant had stolen an amount of rupees five thousand from the shop of the petitioner no.1 and due to which an altercation took place between the petitioners and the informant. Petitioner no.1 has three criminal antecedent and petitioner no.2 has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.PC.

Having regard to the facts and circumstances of the case, as the victim has supported the prosecution case, I am not



inclined to enlarge the petitioners on bail. The prayer for grant
of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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