

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7015 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. AABID HUSSAIN @ ABED HUSSAIN SON OF MAKSUD ALAM R/O VILLAGE USHURI, P.S. G.B. NAGAR, DISTRICT SIWAN
 2. ASALAM ALI @ ASLAM ALI S/O ALI ASGAR @ ASGAR MIYA R/O VILLAGE USHURI, P.S. G.B. NAGAR, DISTRICT SIWAN
 3. FIROJ ALI S/O NABI HUSSAIN R/O VILLAGE USHURI, P.S. G.B. NAGAR, DISTRICT SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 20-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State
through virtual mode.

The petitioners are apprehending their arrest in G.B. Nagar
P.S. Case No. 237 of 2020 registered under Sections 341, 232, 376,
504, 506, 34 of the Indian Penal Code, 4 & 8 of POCSO Act and
Section 67 of the I.T. Act.

Allegedly, the co-accused committed rape upon the daughter of



the informant. The petitioners are alleged to have made video of the same and circulated it on Whatsapp.

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 been falsely implicated in the present case. The present case has been instituted after three days of the alleged occurrence. As per the medical report, no sign of rape was found on the victim girl.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R. The victim in her statement recorded u/S 164 Cr. P.C., has supported the allegation made in the FIR.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is rejected.

If the petitioners surrender in the court below and seek regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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