

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65768 of 2021

Arising Out of PS. Case No.-324 Year-2020 Thana- MUFFASIL District- West Champaran

1. Sheikh Maqsood Son of Sheikh Nagarseh Resident of Village - Bhawanipur, Ward No. 06, P.S. - Nakardehi, District - East Champaran.
2. Sheikh Nayab Son of Sheikh Maksood Resident of Village - Bhawanipur, Ward No. 06, P.S. - Nakardehi, District - East Champaran.
3. Sheikh Azaz @ Azaz Ahmad Son of Sheikh Sharif Resident of Village - Bhawanipur, Ward No. 06, P.S. - Nakardehi, District - East Champaran.
4. Sheikh Hasmullah @ Sheikh Ashmullah Son of Late Sheikh Maujul Haque Resident of Village - Bhawanipur, Ward No. 06, P.S. - Nakardehi, District - East Champaran.
5. Majmullah Devan @ Md. Mojibullah Son of Kamaruddin Devan Resident of Village - Bhawanipur, Ward No. 06, P.S. - Nakardehi, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Umesh Chandra Verma, Advocate
For the Opposite Party	:	Mr.Kumar V Narayan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-09-2022 Petition for pre-arrest bail of petitioners no. 1, 3 and 4 is dismissed as withdrawn.

Heard learned counsel for the petitioners no. 2 and 5 and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 366A, 406/34 of the Indian Penal Code and section 8 of the POCSO Act.

Prosecution's case in short is that co-accused Sheikh Iftekhar Ahmad with the aid of the petitioner and other accused persons enticed away informant's daughter with intent to marry and on enquiry they committed marpit with the informant side.

Learned counsel appearing for the petitioners submits



that the petitioners are innocent and have falsely been implicated in this case only because they are relative of the co-accused Sheikh Iftekhar Ahmad, who is alleged to have kidnapped the victim. Police after investigation submitted final form finding the case not true against the petitioners. However, Court below differing with the same, took cognizance of the offence against them also. Petitioners have got no criminal antecedent.

Considering the nature of allegation against the petitioners no. 2 and 5, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the the Additional Sessions Judge VI cum Special Judge, POCSO Act, West Champaran, Bettiah in Bettiah Muffasil Police Station Case No. 324 of 2020, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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