

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9636 of 2023**

Arising Out of PS. Case No.-188 Year-2022 Thana- BISFI District- Madhubani

1. MD. GULREJ @ MD. ISRAFIL S/O MD. MUSTAKIM R/v- Bhairba, P.S.- Bisfi, District- Madhubani
2. MOINUDDIN S/O MOZAHID R/v- Bhairba, P.S.- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abu Nasar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      19-05-2023                      At the outset, the learned counsel for the petitioner seeks not to press the present petition qua the petitioner no.1, however, seeks liberty on behalf of petitioner no.1 to enable him to surrender before the learned Court below, within a period of four weeks from today and seek regular bail. Liberty so sought is granted.

Accordingly, the present petition qua the petitioner no.1 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of



anticipatory bail in connection with Bisfi P.S. Case No.188 of 2022, registered for offences under Sections 447, 448, 341, 323, 354B, 324, 325, 307, 379, 427, 504, 506 and 34 of the IPC and Sections 8 and 12 of the POCSO Act.

The case of the prosecution, in brief, is that the accused persons including the petitioners herein had entered the house of the informant on the alleged date and time of the occurrence, while she was sleeping in her house and then they had assaulted her and her husband. It is further alleged that the petitioners had also entered the room of the informant and had tried to molest her.

The learned counsel for the petitioners has submitted that the petitioner no.2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioner no.2 is concerned, a general and omnibus allegation has been levelled and specific allegation of assault, etc. is qua the petitioner no.1 and other co-accused persons,



hence a sympathetic view be taken qua and the petitioner no.2 and he be granted the privilege of anticipatory bail.

*Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no.2 is having a clean antecedent and a general and omnibus allegation has been levelled qua him, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, the above named petitioner no.2 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-VII-cum-Spl Judge (POCSO Court), Madhubani in connection with Bisfi P.S. Case No.188 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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