

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11680 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- JOGBANI District- Araria

1. MD. MOSEEM Son of Late Md. Sahadat R/v- Dipoul, P.S.- Jogbani, District- Araria
2. MD. KASEEM Son of Late Md. Sahadat R/v- Dipoul, P.S.- Jogbani, District- Araria
3. MD. ZIBREAIL ALAM @ MD. JUBAUL @ MD. JUBRAIL Son of Md. Kasim R/v- Dipoul, P.S.- Jogbani, District- Araria
4. MD. IBRAHIM @ SUBBA Son of Md. Kaseem R/v- Dipoul, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023

1. Heard the parties.

2. Vide order dated 20.04.2023, the bail application as against petitioner no.1, namely, Md. Moseem was withdrawn by the learned counsel for the petitioners.

3. As such, this application is now being heard with regard to the rest of the petitioners.

4. The petitioners apprehends their arrest in connection with Jogbani (Bathnaha) P.S. Case No.81 of 2022, registered for the offence punishable under Sections 341, 323, 379, 354(B), 366(A), 504, 506 of the Indian Penal Code and Section 8 of



POCSO Act.

5. The allegation against the petitioners is that they along with other accused persons entered into the house of the informant and brutally assaulted her. It is also alleged that the petitioners took away the daughter of the informant.

6. 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. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is a case and counter-case between the parties. He further submits that the parties have compromised. Petitioner no.2 has two criminal antecedents, petitioner no.3 has one criminal antecedent and petitioner no.4 has three criminal antecedents.

7. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the statement of the victim was recorded u/s 164 of Cr.PC in which she has supported the prosecution case.

8. Having regard to the facts and circumstances of the case as well as considering the statement of victim, I am not



inclined to enlarge the petitioner nos.2, 3 and 4 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

9. Accordingly, this application is dismissed.

10. However, if the petitioner nos.2, 3 and 4 surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law, considering the fact that the parties have compromised.

(Anjani Kumar Sharan, J)

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