

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21760 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- FULKAHA District- Araria

1. Shaheed Khan @ Saheed S/O Israil R/V- Sidhrawat, Ward No.- 05, P.S.- Ferozepur, Nuhu Mewat (Haryana)
2. Javed S/O Asar @ Assar R/V- Siroli, P.S.- Punuhana, District- Nuhu Mewat (Haryana)
3. Faku @ Fakruddin S/O Late Islam R/V- Siroli, P.S.- Punuhana, District- Nuhu Mewat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Fulkaha P.S. Case No. 100 of 2022 registered under sections 363, 365, 376, 376DB and 120B of the Indian Penal Code, Section 4/6 of the POCSO Act and Sections 3(2) (v) of the SC/ST Act.

As per allegation in the FIR, the minor daughter of the informant was walking due to excessive heat, in the meantime, a bolero vehicle came and ran away with the victim. Thereafter, the informant searched her daughter but did not find her. After



that informant received information that her daughter was in the house of Jila Parishad, then the victim told him that three accused persons forcibly committed rape in the car.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case merely on suspicion. The petitioners are not named in FIR rather their names came in this case during the course of investigation. In the statement of the victim recorded under Section 164 of the Cr.PC., in which she has not taken the name of the petitioners. It is further submitted from para-16 of this petition that no any material recovered from the petitioners which prove the involvement of the petitioners in the alleged offence and also there is no specific allegation of commission of rape against all of them. Moreover, they are languishing in judicial custody since 08.09.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Fulkaha P.S. Case No.



100 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Special Judge (POCSO Act), Araria.

(Sunil Kumar Panwar, J)

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