

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25504 of 2023

Arising Out of PS. Case No.-1102 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. NAUSHAD KHAN S/o Late Abdul Zoha Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi
 2. KAMAR RAZA KHAN @ KUMAR RAJA KHAN @ MUNNA KHAN S/o Kashim Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi
 3. SHAHID KHAN S/o Nek Mohammad Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi
 4. MURTUZA KHAN S/o Late Abdul Zoha Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi
 5. MD. MUSTUFA KHAN @ MUSTAFA KHAN S/o Late Abdul Zoha Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi
 6. MD. ZIAULLAH KHAN @ ZIYAULLAH KHAN S/o Late Abdul Zoha Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAMA PRAVEEN W/o Motiur Rahman @ Tinku Khan Village-Kamaldah, P.S.-Bathnaha, Dist-Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2023 Heard Mr. Sangeet Deokuliar, learned counsel for the petitioners and Ms. Sharda Kumari, learned Additional Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection with (Sitamarhi) Complaint Case No. 1102 of 2021 dated 7.12.2021 registered for the offence punishable under Sections 451, 354(B), 336(A) and 511 of the Indian Penal Code and



Section 8 of the POCSO Act.

3. As per the allegation made in the complaint filed by the Complainant all the accused persons are neighbours of the complainant. It is alleged that on the date of occurrence the accused persons came to the house of the Complainant and started searching the Complainant's brother-in-law and on pretext being made, the accused persons as named in the complaint petition including the petitioners entered into her house and co-accused Farookh Khan lifted the minor daughter of the complainant aged about 16 years in his lap and outraged her modesty.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to the fact that both the parties are co-sharers and neighbours also and there is family dispute between them. He next submits that complainant's side kidnapped the daughter of accused Nyaz Khan, for which, an FIR was lodged by the petitioner's side bearing Bathnaha P.S. Case No. 286 of 2021 dated 9.11.2021 and after lodging the First Information Report, the present complaint case has been filed on 15.11.2021 by the family members of the accused persons named in the First Information Report lodged by the side of the petitioners.



5. Regards being had to the submission made by the parties and taking into consideration the fact that both the parties are co-sharers and close neighbours, there is family dispute between them, the FIR lodged by the side of the petitioners is prior in time and some of the accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 66180 of 2022, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO, Sitamarhi, in connection with Complaint Case No. 1102 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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