

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27336 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- SAMASTIPUR District- Samastipur

1. Md. Barkat @ Barkat Ali S/O Md. Safirul Resident Of Village- Magardahi Ward No.- 19, P.S.- Samastipur (T), District- Samastipur.
2. Dharendra Prasad Singh S/O Late Dev Narayan Singh Resident Of Village- Magardahi Ward No.- 19, P.S.- Samastipur (T), District- Samastipur.
3. Najnin Khatoon @ Najni W/O Md. Safirul Resident Of Village- Magardahi Ward No.- 19, P.S.- Samastipur (T), District- Samastipur.
4. Saeba Pravin W/O Md. Azad Resident Of Village- Magardahi Ward No.- 19, P.S.- Samastipur (T), District- Samastipur.
5. Rahat @ Rahat Praveen D/O Md. Safirul Resident Of Village- Magardahi Ward No.- 19, P.S.- Samastipur (T), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate
		Mr. Kamlesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 324, 307, 354(B) and 34 of the Indian Penal Code read with Sections 8, 17 and 18 of the POCSO Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner nos. 3, 4 and 5 are women and the informant alleges that petitioner nos. 1



and 2 caught her minor daughter and were taking her in a room, further petitioner no.2 assaulted the victim by an iron rod causing injury on head and on *hullah* when her husband came to save her, he was assaulted by all the accused persons.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that no specific allegation of assault is alleged against petitioner nos. 3, 4 and 5, it is further submitted that from perusal of Annexure-2 series it would manifest that initially when the victim was examined, the doctor opined that the injury is simple but later on the doctor recorded that there was no injury which further casts an aspersion on the case of the prosecution that as to whether even the occurrence in the nature as alleged ever took place or not.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Town P.S. Case No. 339 of 2022 arise out of Complaint Case No. 275 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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