

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30258 of 2022

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHILA P.S. District- Saran

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1. MD NABI HASSAN Son of Md.Ishak Resident of Village- Ashok Nagar, Pathar Bazar, P.S.- Chapra Town, District- Saran.
 2. Md. Ayan Son of Nabi Hasan Resident of Village- Ashok Nagar, Pathar Bazar, P.S.- Chapra Town, District- Saran.
 3. Md. Azad S/o Nabi Hasan Resident of Village- Ashok Nagar, Pathar Bazar, P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva
For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-02-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

The petitioners apprehend their arrest for the offences alleged under Section 376/34 of the Indian Penal Code and Section 3/4 of the POCSO Act, registered in connection with Mahila P.S.Case No. 01 of 2019.

As per allegation, petitioner no.1, along with his sons petitioner nos. 2 and 3, entered into the house of the informant and they committed rape with the informant's daughter.

The learned counsel for the petitioners has submitted that there is case and counter case. All the witnesses in the case diary have stated that this case has falsely been lodged due to vengeance and final form has been submitted against the petitioners. He has submitted further that it is



unbelievable that father and sons shall commit rape at the same time. The petitioners are the persons of clean antecedents.

Considering the above facts and circumstances, let the petitioners above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge (POCSO) Act, Saran at Chapra, in connection with Mahila P.S.Case No. 01 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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