

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28592 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA P.S. District- Araria

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1. MD. MUMTAZ ANSARI @ MUMTAZ Son of Md. Mustak Ansari @ Mus-taque Resident of village - Momen Tola, ward no. 3, P.S. - Araria, Distt. - Araria
 2. Bibi Ladli Wife of Md. Mumtaz Ansari @ Mumtaz Resident of village - Mo-men Tola, ward no. 3, P.S. - Araria, Distt. - Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jitendra Ram Son of Rajendra Ram Resident of village - Momin Tola, P.S. - Araria R.S., Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s:	:	Mr. Binay Krishna, APP
For the O.P. no. 2	:	Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-09-2023 Heard learned counsel for the parties.

2. The petitioners have filed the application for anticipatory bail apprehending their arrest in connection with Araria Mahila P.S. Case no. 52 of 2022 registered under sections 341, 323, 376AB and 34 of the Indian Penal Code, sections 4 and 6 of the POCSO Act and section 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the informant states that his 10 year old daughter returned from outside and disclosed that she had been raped by co-accused Salman Ansari. It is further stated that on the informant along with his brother go-



ing to the house of the accused, he was abused in the name of his caste and assaulted by accused persons including the two petitioners herein.

4. Learned counsel for the petitioners submit that the petitioners have been falsely implicated in the case only for the reason that they happen to be the father and mother of the main accused named in the FIR namely Salman Ansari. The allegations leveled against the petitioners are false and concocted. No such occurrence as alleged in the FIR has taken place. No offence under the SC/ST Act is made out. The petitioners undertake to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the accused petitioners are said to have committed an offence under the SC/ ST Act and hence the application for anticipatory bail is not maintainable.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR against the petitioners, the main allegation being against Salman Ansari, in the event of their arrest or surrender within four weeks, the petitioners are directed to be enlarged on bail in connection Araria Mahila P.S. Case no. 52 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 learned Additional Sessions Judge-cum-Special Judge (POCSO), Araria.

(Partha Sarthy, J)

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