

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35826 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- AANDAR District- Siwan

1. Govind Kumar Pandey @ Govinda Sharma @ Govinda Pandey aged about 22 years, male, s/o Dilip Kumar Pandey @ Dilip Sharma, male, R/o Village- Usari Buzurg, P.S.- M.H. Nagar, Distt.- Siwan.
2. Raja Sharma @ Arvind Sharma s/o Dilip Kumar Pandey @ Dilip Sharma, aged about 28 years, male R/o Village- Usari Buzurg, P.S- M.H. Nagar, Distt.- Siwan.
3. Rajbir Tiwari @ Rajvir Sharma, aged about 20 years, male, S/O Dilip Kumar Pandey @ Dilip Sharma R/O Village- Usari Buzurg, P.S- M.H. Nagar, Distt.- Siwan.
4. Suraj Tiwari @ Suraj Sharma, aged about 28 years, male, S/O Indrajeet Tiwari R/O Village- Usari Buzurg, P.S- M.H. Nagar, Distt.- Siwan.
5. Niraj Kumar Tiwari @ Niraj Sharma, aged about 21 years, male, S/O Indrajeet Tiwari R/O Village- Usari Buzurg, P.S- M.H. Nagar, Distt.- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ramadhar Shekhar, Advocate
For the Opposite Party	:	Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners apprehend arrest in connection with
Andar M.H. Nagar P.S. Case No. 223 of 2022 dated 22.10.2022,
instituted for the offence punishable under Sections 341, 323,
307, 325 & 34 of the Indian Penal Code and under Section 8/12
of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case, in brief, is that on 21.10.2022



at about 07:00 pm, when the informant was returning home, then one accused person, namely, Vishal Sharma molested the informant and torned her clothes, however, she escaped and told her family about the incident. It is further alleged that when her mother and maternal uncle went to accused's house to enquire then accused person along with petitioners brutally assaulted her uncle with intention to kill.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case due to the case lodged by the petitioner no. 1 against maternal uncle of the informant bearing Ander M.H. Nagar P.S. Case No. 222 of 2022 lodged on 22.10.2022. The entire allegations levelled against the petitioners are false and concocted. It is further submitted that due to the case lodged by the petitioner no. 1, the present case has been lodged against the entire family of the petitioners. Further, it is submitted that the allegation of Sections 8/12 of POCSO Act is attributed is against co-accused Vishal Sharma and not against the petitioners. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Andar M.H. Nagar P.S. Case No. 223 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO, Siwan, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Khatim Reza, J)

Gaurav Kumar/-

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