

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32464 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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SANTAJ ALAM @ SAMSAD ALAM SON OF ALI AKBAR MINYA @
ALIAKBAR MIYAN @ SUKAT MIYAN R/O VILLAGE- LAXMIPUR,
P.S.- PURUSHOTTAMPUR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36415 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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OSEEYAR ALAM @ OSEEYAR MIYAN Son of Samsuddin Miya Resident
of Village - Laxmipur, P.S.- Purushottampur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32464 of 2022)

For the Petitioner/s :Mr.Shashank Chandra

For the Opposite Party/s :Mr.Chandra Sen Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 36415 of 2022)

For the Petitioner/s :Mr.Kumari Shubham

For the Opposite Party/s :Mr.Narsingh Tanti

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

ORAL ORDER

3 09-01-2023 Learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioners as well as

the learned APP for the State.



The petitioners apprehend their arrest in connection with Purushottampur P.S. Case No. 79 of 2021, registered for the offences punishable under Sections 376, 511 and 506 read with Section 34 of the Indian Penal Code, Section 4 and 8 of POCSO Act.

The prosecutrix is a minor girl. As per allegation, when she was going to collect soil, the petitioner Oshiyar Alam overpowered her and dragged her towards sugarcane field. Meanwhile, his associates Rajan Miya and Santaj Alam(petitioner) attempted to commit some ill deed with the prosecutrix and one co-accused Gulfam made video clip and made it viral.

The learned counsel for the petitioners has submitted that as per FIR, it was Md. Gulfam, who made the video viral, and not the petitioners.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the medical report shows the sign of assault on the person of the victim and the victim in her statement under Section 164 of the Cr.P.C. has stated that three persons, namely, co-accused Rajan Miya, Santaj Alam(petitioner) and Oshiyar Alam(petitioner) came there and when she raised hue and cry, another boy came there. He



prepared photograph and made it viral. The victim has named the petitioners under Section 164 of the Cr.P.C. The medical report shows that she has sustained injuries.

In my view, the petitioners do not deserve the privilege of anticipatory bail, which is hereby, rejected.

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

(Nawneet Kumar Pandey, J)

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