

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37829 of 2023

Arising Out of PS. Case No.-462 Year-2022 Thana- RAMNAGAR District- West Champaran

1. Sheikh Bakhtar @ Shekh Bakhtiar, aged about 46 years, Male, Son of Shekh Mannan @ Sheikh Manu, Resident of village - Meghwal Mathiya, P.S. - Ramnagar, Distt. - West Champaran
2. Husne Ara Khatoon, aged about 48 years, Female, Wife of Shorab Khan Resident of village - Meghwal Mathiya, P.S. - Ramnagar, Distt. - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-07-2023

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. The petitioners seek bail in connection with Ramnagar P.S. Case No. 462 of 2022 dated 24.09.2022, instituted for the offence punishable under Sections 376, 120(B) & 34 of the Indian Penal Code and Section 4 of the Protection of Children From Sexual Offences Act. Later on, *vide* order dated 06.12.2022, in place of the aforesaid Sections, case was registered under Sections 376/511, 120(B) of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on 24.09.2022 at about 11:00 am, Petitioner no. 2, namely, Husne Ara Khatoon enticed and took informant's 16.5 years old daughter, who is dumb, to her house where the petitioner no. 1, namely, Sheikh Bakhtar raped the informant's daughter. Further, it is alleged that



on search, informant's daughter was found naked inside a locked bathroom.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Further, it is submitted that the medical report has not supported the allegation made by the informant. The statement under Section 164 of the Code of Criminal Procedure has been recorded on the basis of sign language which was translated by the victim's mother. Lastly, it has been submitted that the petitioners are in custody since 20.02.2023 having no criminal antecedents, charge-sheet has been submitted in the case.

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, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran in Ramnagar P.S. Case No. 462 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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