

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56278 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- JOGBANI District- Araria

1. Md. Manzer Alam @ Manzer Alam, Son of Nazir Hasan, Resident of Village- Lalpur, Ward No 14, P S- Birpur, Distt- Supaul
2. Nisha Pravin @ Nisha Perveen @ Nisha Perveen, Wife of Md. Manzar Alam @ Manzer Alam, Resident of Village- Lalpur, Ward No 14, P S- Birpur, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Pankaj Kumar Jha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jogbani (Bathnaha O.P.) P.S. Case No. 21 of 2022 registered for the offences punishable under Sections 365, 366(A), 120(B)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The petitioners are said to be the brother-in-law and sister of co-accused Md. Sarfaraz, against whom there is allegation that he enticed away the minor daughter of the informant and the petitioners have assisted in the aforesaid



crime and also arranged the vehicle to to the co-accused for taking away the victim.

4. It is submitted on behalf of the petitioners that *prima facie* it appears that the occurrence took place on 19.01.2022 and the present F.I.R. has been instituted on 24.01.2022, after a delay of five days. Moreover, it has not been disclosed either in the F.I.R. or during the course of investigation that who have informed the police that the petitioners were instrumental in giving assistance to the co-accused Md. Sarfaraz. Further submission has been made that the statement of the victim was recorded under Sections 161 and 164 of the Cr.P.C., but she did not even whisper about the involvement of these petitioners and moreover she has not made any allegation of physical and sexual assault against Md. Sarfaraz also.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are brother-in-law and sister of the co-accused Md. Sarfaraz, against whom the entire thrust of allegation has been levelled, coupled with the delay in lodging of the F.I.R. and their fair



antecedent, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Araria in connection with Jogbani (Bathnaha O.P.) P.S. Case No. 21 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

