

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60346 of 2022

Arising Out of PS. Case No.-265 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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1. MD. HAZARAT S/O HABIBUR RAHMAN @ MD. HAIBUR Resident of Village- Begumpur, P.S.- K.Nagar District- Purnea.
 2. MD. TAIFUR S/O LATE MD. IDRISH Resident of Village- Begumpur, P.S.- K.Nagar District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the
petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with K. Nagar P.S. Case No.265 of 2020, registered for the offences punishable under Sections 363, 365, 376(D), 376(D)(A) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

The informant has alleged that a mediation was being held in the village on account of the dispute having arisen in between



the son of the informant and her daughter-in-law, namely, Sanjeeda Khatoon, whereupon the father of the daughter-in-law of the informant had demanded a sum of Rs.3 lakh for giving divorce to the son of the informant. However, on account of certain altercation having taken place, the accused persons had taken the informant, her husband and her son to the house of Md. Kasim where it is alleged that said co-accused Md. Kasim had committed rape with the informant. Subsequently, the accused persons had taken away the informant's daughter in a bamboo orchard where one co-accused, namely, Md. Biru had committed rape with the daughter of the informant.

It is submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 07.09.2022. It is further submitted that the petitioner no. 1 is having no criminal antecedent, however, as far as the petitioner no.2 is concerned, he is an accused in one another case in which he is on bail. It is also



submitted that apparently, the allegation of committing rape with the informant or her daughter has not been levelled against the petitioners herein and, moreover, similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 01.07.2021 and 11.08.2021 passed in Cr. Misc. No.8992 of 2021 and Cr. Misc. No.6245 of 2021 respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Purnea in connection with K. Nagar P.S. Case No.265 of 2020 giving rise to Special Case No.54 of 2020.

(Mohit Kumar Shah, J)

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