

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62459 of 2022

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

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1. MD. TAJIM @ MD TAJIB @ TAJIM Son of Md Badal R/V- Begumpur,
P.S- K. Nagar, Dist- Purnea
 2. Md Najimul Haque @ Md. Lalla @ Najmul Haque Son of Mutalik R/V-
Begumpur, P.S- K. Nagar, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suveda Khatoon, W/o Md. Tahir, At Begumpur, P.S.K.Nagar, Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr.Ram Prawesh Kumar
For the State	:	Mr.Md. Matloob Rab, APP
For the informant	:	Mr. Bijendra Kumar Singh

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

ORAL ORDER

5 17-05-2023 Heard the learned counsel for the petitioners and

learned APP for the State, assisted by the learned counsel for the

informant.

This is an application for regular bail on behalf of

the petitioners for the offences alleged under Sections 363, 365,

376(D) and 376(D)(A) of the Indian Penal Code and Section 4/6

of the POCSO Act, registered in connection with K.Nagar

P.S.Case No. 265 of 2020 (Special POCSO Case No.54 of

2020).

As per allegation, a *panchayati* was convened for



reconciliation of the matrimonial dispute of the daughter of the informant. As per the terms and conditions of the *panchayati*, the accused persons had to return Rs. 3,00,000/- to the prosecution side. The further allegation is that the members of the bridegroom side named in the FIR made captive the husband and son of the informant and four persons committed rape upon her daughter. Co-accused Md. Kasim committed rape upon the informant.

The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated in this case. The matrimonial dispute between the prosecution side and the defense side is admitted in the FIR and due to that vendetta the petitioners have been made accused. Other co-accused persons have been granted bail in Cr.Misc. Nos. 8992 of 2021 and 6245 of 2021.

On the other hand, the learned counsel for the informant as well as the learned APP for the State have opposed the prayer for bail and submitted that the victim in her statement under Section 164 of the Cr.P.C. has named petitioner no.1 and has stated that he was also amongst four persons, who committed rape upon her.

It appears nothing but a matrimonial dispute between



the informant side and the defense side and the allegation of rape appears not to be true *prima facie*.

Considering the above facts and circumstances, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(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 (Special POCSO Case No.54 of 2020), subject to the following conditions:-

1. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
2. If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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