

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64331 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- PATAHI District- East Champaran

1. Md. Quaimuddin @ Quaimuddin Devan @ Kmuddin Son Of Late Jafar Devan Resident Of Village - Panchpakari, P.S.- Dhaka (Panchpakri O.P.), District - East Champaran
2. Sahabuddin Devan @ Sahabuddin @ Sahauddin Devan Son Of Late Jafar Devan Resident Of Village - Panchpakari, P.S.- Dhaka (Panchpakri O.P.), District - East Champaran
3. Md. Salahuddin @ Salauddin Devan Son Of Late Jafar Devan Resident Of Village - Panchpakari, P.S.- Dhaka (Panchpakri O.P.), District - East Champaran
4. Md. Kamruddin @ Kamruddin Devan Son Of Late Jafar Devan Resident Of Village - Panchpakari, P.S.- Dhaka (Panchpakri O.P.), District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
363, 366(A)/ 34 of the Indian Penal Code and Sections 8 and 10
of the POCSO Act.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and have been
falsely implicated in the present case. It is next submitted that



the victim is aged in between 18-19 years. It is also submitted that petitioners and the informant are neighbour and are having land dispute.

The learned counsel for the petitioners submits that victim has come back and her statement has been recorded under Section 164 of the Cr.P.C. wherein she has supported the prosecution case, but has not named the petitioners. The learned counsel submits that the date of occurrence is 24.07.2021 and the F.I.R. was instituted on 01.08.2021 i.e. after a delay of merely eight days. Thus, submitted that it does not stand to reason that the informant thereafter continued searching the victim for eight days without instituting an F.I.R. that in itself demonstrates that the occurrence took place some other manner and the petitioners came to be implicated merely on account of land dispute. It is also submitted that the matter now has been compromised on intervention of the well-wishers. It is further submitted that similarly situated co-accused Hasibun Nesha has been granted the privilege of anticipatory bail by order dated 19.09.2022 in Cr. Misc. No.14335 of 2022

Learned A.P.P. opposes the anticipatory bail application of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Patahi P. S. Case No.136 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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