

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72258 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S. District- Araria

MD. TAUSIB @ MD. TAUSIF SON OF EIJUB RESIDENT OF VILLAGE-
JHIRUA, WARD NO. 10, PS- SIMRAHA, DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

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

ORAL ORDER

2 07-11-2023 Heard the learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 21 of 2022, registered for the offences punishable under Sections 376, 341, 323, 504, 506 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per allegation, when the informant went to cut grass in her field, co-accused Md. Rustam caught hold of her and on the point of knife, he committed rape upon her. Thereafter, a *Panchayati* was convened where the accused persons including the petitioner abused and assaulted the informant and her mother.

4. The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent and has falsely been implicated in this case. There is no allegation against him. The



allegation of rape is against younger brother of the petitioner. The petitioner has been made accused merely because he is elder brother of the main accused Md. Rustam, against whom there is allegation of rape.

5. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge (POCSO), Araria in connection with Mahila P.S. Case No. 21 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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