

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77566 of 2023

Arising Out of PS. Case No.-82 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. MD.MAJIBUL SON OF MD. MUSLIM RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.
 2. NASARUL SON OF MOJEOL RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.
 3. MD. CHHOTE SON OF MD. ISARAFIL RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.
 4. MD. ISARAFIL SON OF LATE MD. SALIM RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.
 5. MD. MUSTAKIM SON OF LATE MUNIF RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.
 6. MD. ASHOK @ MD. AASHIK SON OF ISARAFIL RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAKINA KHATOON WIFE OF MD. HAKIM RESIDENT OF VILLAGE- RATAULI TOLE CHATRA, P.S. SAHARGHAT, DISTRICT- MADHUBANI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav Mr.Ravi Prakash Nr,Rajesh Kumar
For the Opposite Party/s :		Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-12-2023 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 452, 380, 354, 504, 427 of the IPC and 7/8 of POCSO Act.



3. As per the prosecution case, complainant alleges that petitioner nos.1 and 2 molested her daughters when they had gone to pick chillies and when she along with her husband went to the house of the accused persons, they abused and assaulted the complainant, her husband and daughter.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that petitioner no.5 is the full brother of the complainant's husband and there is case and counter-case between the parties. Petitioners have no criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Misc. No.30531 of 2023.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner nos.1 and 2 to molest the daughters of the complainant.

6. Having regard to the facts and circumstances of the case, considering that there is no specific allegation against the petitioner nos.3 to 6 and that similarly situated co-accused have



been granted bail, let the above named petitioner nos.3 to 6 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.82 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation upon the petitioner nos.1 and 2, I am not inclined to enlarge the petitioner nos.1 and 2 on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

8. However, petitioner nos.1 and 2 are at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

9. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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