

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9782 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- AMARPUR District- Banka

1. Sanjay Harizen Son Of Late Vittan Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka
2. Dhanni Harizen Son Of Late Vittan Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka
3. Manish Harizen Son Of Late Vittan Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka
4. Dinesh Harizen Son Of Late Vittan Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka
5. Rajo Devi Wife Of Late Vittan Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka
6. Munni Devi Wife Of Manish Harizen Resident Of Village-Mahadeopur (Near Of Tar Pokhar) P.S.-Amarpur, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Amarpur P.S. Case No. 691 of 2023 dated 19.10.2023 for the offence punishable u/s 354, 376, 313, 315, 316, 341, 342, 323, 504 and 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, the co-accused Chhotu



Kumar is alleged to have committed rape on the complainant-victim girl several times and threatened not to disclose the incident to anyone. When she became pregnant all the accused persons got her pregnancy aborted forcefully after administering medicine. Thereafter the victim narrated the incident to her mother. When her mother went to the house of Chotu Kumar, Chotu Kumar, Sanjay Harizen, Dhanni Harizebn, Manish Harizen and Dinesh Harizen started abusing her and also assaulted her.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no valid document relating to miscarriage. The specific allegation of committing rape is against the co-accused Chhotu Kumar. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the victim is a minor girl.

6. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on



anticipatory bail on each of them furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Amarpur P.S. Case No. 691 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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