

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7560 of 2024

Arising Out of PS. Case No.-1102 Year-2021 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

=====

Faruq @ Farukh Khan Son of Late Abdul Joha Khan R/o vill - Kamaldah, P.S.
- Bathnaha, Distt. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sama Praveen W/o Motiur Rahman @ Tinku Khan R/o vill - Kamaldah, P.S.
- Bathnaha, Distt. - Sitamarhi

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sangeet Deokuliar, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar no. 3, APP
For informant	:	Mr. Krishna Murari, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 03-04-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of complaint case no. C 1-1102 of 2021, registered under Sections 451, 354(B), 366(A)/511 of the Indian Penal Code and Section 8 of POCSO Act.
3. The prosecution story, as per the allegation made in the complaint, is that all the accused persons are neighbours of the complainant. It has been alleged that on the date of occurrence, the accused persons arrived near the house of complainant and started searching complainant's brother-in-law and on protest being made, they entered into her house and Faruq i.e. petitioner lifted the



minor daughter of complainant, aged about 16 years, in his lap and outraged her modesty.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the fact that both parties are co-sharers and neighbours also and there is family dispute between them. Learned counsel further submits that complainant side kidnapped the daughter of co-accused Neyaz Khan, for which, an FIR was lodged by petitioner's side bearing Bathnaha PS case no. 286 of 2021 dated 09.11.2021. After lodging the aforesaid F.I.R., the present complaint has been filed on 15.11.2021 for an alleged occurrence, which had taken place on 03.11.2021. He also submits that co-accused persons have been granted anticipatory bail in Cr. Misc. no. 25504 of 2023 and Cr. Misc. no. 66180 of 2022.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are co-sharers and neighbours and there is family dispute between them, F.I.R. lodged by the side of the petitioner is prior in time to the present complaint and similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. no. 25504 of 2023 and by a co-ordinate Bench of this Court in Cr. Misc. no. 66180 of 2022, I am inclined to grant the privilege of anticipatory bail to the petitioner.



6. This application is, accordingly, allowed.
7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on 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 Sessions Judge VI-cum-Special Judge (POCSO) Act, Sitamarhi in connection with complaint case no. C 1-1102 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

