

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15174 of 2024

Arising Out of PS. Case No.-726 Year-2022 Thana- BELAGANJ District- Gaya

1. Md. Shahnawaz Khan, S/o Late Tula Khan @ Rahamtulla Khan, R/o Village- Samaspur, Tola Naugurah, P.S.- Belaganj, District- Gaya
2. Nanhu Khan @ Mahtab Khan, S/o Hanif Khan, R/o Village- Samaspur, Tola Naugurah, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Sinha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-03-2024 Heard learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Belaganj P.S. Case No.726 of 2022 registered for the offences punishable under Sections 341, 342, 354(a), 354(b), 323, 379, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Allegedly while the daughter of the informant was going towards Ahar to attend the call of nature, in the meantime, all the F.I.R. named accused persons, including the petitioners, surrounded her and on the point of pistol tried to take her away. However, when hulla was raised and the villagers having heard



the scream, rushed to the place of occurrence, thereafter the accused persons fled away after assaulting the victim as well as her mother.

4. Learned counsel appearing on behalf of the petitioners submits at the bar that from the narrations made in the F.I.R., prima facie, it appears to be a concocted story and, in fact, the name of the petitioners have been implicated in this case on account of some village rivalry. Moreover, the petitioners undertake that they will cooperate in the investigation or in the proceedings of the court. Learned counsel further submits that co-accused, namely, Md. Arif Khan @ Arif Khan, having identical allegation, has been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 68341 of 2023 vide order dated 01.12.2023, the copy of which has been produced as Annexure-2. It is lastly submitted that the petitioners are men of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that the allegation made in the F.I.R. is very serious in nature that they were indulged in outraging the modesty of the victim, who is a minor.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that co-accused has been allowed the privilege of anticipatory bail and the parity also demand similar treatment, coupled with the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Court -cum- Additional Sessions Judge-VI, Gaya in connection with Belaganj P.S. Case No.726 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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