

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37514 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- BATHNAHA District- Sitamarhi

1. Nusaid Ansari @ Nursaid Ansari Son of Yunus Ansari Resident of Village - Haribela, P.S.- Bathnaha, Dist.- Sitamarhi
2. Firoj Ansari Son of Yunus Ansari Resident of Village - Haribela, P.S.- Bathnaha, Dist.- Sitamarhi
3. Phirdaus Ansari Son of Yunus Ansari Resident of Village - Haribela, P.S.- Bathnaha, Dist.- Sitamarhi
4. Phajida Khatoon @ Jaysida Khatoon Wife of Yunus Ansari Resident of Village - Haribela, P.S.- Bathnaha, Dist.- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bathnaha P.S. Case No. 112 of 2023 registered for the alleged offence under Sections 354, 354(B), 354(D), 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

03. As per prosecution case, the informant has settled the marriage of his daughter with some person, who walked out of marriage talk on receiving obscene photographs of the daughter of informant from the petitioners and co-accused Khursaid Ansari.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. From the FIR, it is not clear who sent the Whatsapp messages upon the mobile phone of the proposed groom. It nowhere appears from the record that any message was sent from the mobile phone of any of the petitioners. Merely on suspicion the petitioners have been made accused in this case. Petitioner nos. 1, 2 and 3 are brothers and petitioner no. 4 is their mother and the allegations are not believable against the petitioners that they all would send objectionable photographs to the prospective bridegroom. The parties are next door neighbours and agnates and there is some family dispute between the parties. For this reason, the petitioners have been made accused in the present case. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of material to connect the petitioners with the offences as alleged, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two



sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi in connection with Bathnaha P.S. Case No. 112 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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