

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37638 of 2024

Arising Out of PS. Case No.-153 Year-2022 Thana- ANDHRATHARHI District- Madhubani

1. Md. Faiyaz Rain Son of Md. Jabbar Rain Resident of Village - Thadhi, Police Station - Andhratharhi, District - Madhubani.
2. Irfan Rain @ Md. Irfan Son of Md. Yasin Rain Resident of Village - Thadhi, Police Station - Andhratharhi, District - Madhubani.
3. Lal Babu @ Seraj Alam @ Lal Babu Rain @ Md. Seraj Alam Son of Md. Motiur Rahman Resident of Village - Thadhi, Police Station - Andhratharhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Andhratharahi P.S. Case no. 153 of 2022 instituted for the offence under Sections 376/34 of the Indian Penal Code and Section 8, 12 of the POCSO Act.

3. Prosecution case in nutshell is that while the informant, who was minor, has gone to attend the call of nature, in the meantime, petitioners caught hold her. It is



further alleged that petitioners and co-accused Haroon Rain ravished her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. They have falsely been implicated in this case. There is case and counter case between the parties. Specific allegation of commission of rape is levelled against co-accused Haroon Rain and allegation against petitioners is that they caught hold her, which is also disclosed by the victim in her statement, recorded u/s 164 of Cr.P.C. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that petitioners are named in the F.I.R. The victim has stated in her statement, recorded u/s 164 of Cr.P.C. that petitioners and others caught hold her and co-accused Haroon Rain ravished her. This case comes under the purview of Section 8, 12 of POCSO Act. So, anticipatory bail is not maintainable.



6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The petitioners are directed to surrender before learned court below and pray for regular bail, without being prejudiced by the order of this Court.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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