

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45867 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. Sadarun Nisha W/o Ramjan Ali R/O Village- Ramjan Bigha, P.S.- Nabinagar, Dist.- Aurangabad, Bihar
2. Farhan Alam Son of Ramjan Ali R/O Village- Ramjan Bigha, P.S.- Nabinagar, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Zeba Khatoon D/o Gulzar Ahamad Under guardianship of her father Gulzar Ahamad, R/O Village- Ramjan Bigha, P.S.- Nabinagar, Dist.- Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Alka Singh, Adv.
For the State	:	Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard Ms.Alka Singh, learned counsel for the petitioners and Mr.Dilip Kumar No.1, learned APP for the State.

2. Petitioners are apprehending their arrest in connection with Nabinagar P.S. Case No.157 of 2023, registered for the offence punishable u/s 376 of the IPC and section 12 of the POCSO Act.

3. As per the prosecution case, one Suhail Alam forcefully entered into the house of the informant/victim and committed physical relationship with her and on alarm, the petitioners assaulted the father of the victim.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have not committed any offence. They have been falsely implicated in this case due to ulterior motive. Petitioner no.1 is the mother and petitioner no.2 is the brother of co-accused Suhail Alam and there is no specific overt act against them. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the victim is a minor.

6. Considering the nature of allegation and also considering the age of the victim, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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