

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41311 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- ALAMGANJ District- Patna

1. Md Jasim @Md Jaysin
2. Riyajul @Md Riaju @Md Riajul @Lota @Lotha
3. Md Siraj @Md Tiko
All S/O Md Nasim R/O Village/Mohalla-Gayghat Bakkho Tola, P.S. Alamganj, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitara Khatun W/O Md Shehjad @ Md Sehjad R/O Mohalla Bakkho Tola near Danka Imli Golumbar, P.S. Alamganj, Distt-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr.Diwakar, learned counsel for the petitioners and Mr.Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Alamganj P.S.Case No.77 of 2024, FIR dated 01.02.2024 registered for the offences punishable under Sections 147, 149, 323,354A and 341 of the Indian Penal Code and Section 12 of the POCSO Act.

3. Allegation of molestation to the daughter of the informant is against co-accused person Md. Aftab and Md. Saddam. Allegation against the petitioners is that they assaulted



to the informant and her family members as a result of which informant got injury on her leg resulting in blood oozing out, Jaysin Parvin got injury on her ear causing swollen over her ear, Md. Safi Alam got injuries on his right shoulder, Aafroji Khatun got swollen injury in the right hand knee and Md.Chand got right leg injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. From a bare perusal of the FIR it appears that the allegation of molestation is against co-accused persons, namely, Md. Aftab and Md. Saddam and there is no specific allegation of molestation against the petitioners and allegation against the petitioners is that they assaulted to the informant and her family members but there is no specific allegation of any assault or overt-act rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that although the informant and her family members have received the injury but appears that they have received simple injury and there is case and counter case between the parties.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the



petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of molestation or assault against them, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII-cum-Special Judge, POCSO, Patna in connection with Alamganj P.S. Case No.77 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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