

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39725 of 2024

Arising Out of PS. Case No.-209 Year-2024 Thana- WAJIRGANJ District- Gaya

Imran Khan @ Md. Imran Khan, aged about 26 years, Gender-Male, Son of Salim Khan, Resident of Village-Bhareti, Gaya-Nawada Road, Near Badi Masjid, P.S. - Wazirganj, District – Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Virendar Yadav, Son of Maheswar Yadav, Resident of Village-Bhareti, Ward No.11, P.S. - Wazirganj, District – Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Tabish Sharfuddin, Advocate
For the Opposite Party	:	Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Wazirganj P.S. Case No. 209 of 2024 dated 04.04.2024 registered for the offences punishable under Sections 147, 149, 341, 323, 333, 505, 153, 354, 504 of the I.P.C. and Sections 4 and 5 of the POCSO Act.

3. As per the prosecution case, on 03.04.2024, when the niece of the informant was returning after purchasing



articles, the co-accused Md. Saddu was forcibly trying to give his mobile number to her asking her to talk with him on that number but the victim proceeded from there without speaking anything and again when she was passing through that road then the co-accused Md. Saddu alongwith 2-4 boys were together standing on the road. They began giving mobile number written on the paper to the victim. When she refused to take their mobile number and was moving forward then two boys restrained her going from there and two boys pulled her *Dupatta* from behind and they put the mobile number in her breast. Thereafter, the victim returned to her home and narrated the whole story to her family members. Thereafter, when her family members went to the house of the accused persons to convince them then Imran Khan (petitioner), the co-accused Md. Saddu, Rashid, Raju Rangrej and Manowar Alam started assaulting them by using their caste name and on the instigation of Imran Khan (petitioner), all the accused persons alongwith 50-80 unknown persons started pelting stones on them due to which, Shravan Kumar, Sunny Kumar, Rohit Kumar and Chhotu Yadav sustained injuries.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that there is case and counter case between the parties. It is submitted that there is general and omnibus allegation against the petitioner. There is no specific overt act alleged against the petitioner. It is further submitted that the victim girl has alleged her allegation against the co-accused Md. Saddu that he gave his mobile number forcefully on the paper. The petitioner has no concern with the alleged offence and he has no role in instigating the mob. It is further submitted that the petitioner did not make any attempt to commit sexual assault on the victim girl. It is further submitted that even if the allegation presumed to be true then also injury is of simple in nature. The petitioner has one criminal antecedent in which he has already been acquitted from the charge by the learned court below as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Gaya in



connection with Wazirganj P.S. Case No. 209 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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