

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43451 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- TATARPUR District- Bhagalpur

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1. Md. Tanzil @ Tanzil Khan S/o Pervez Akhtar R/o Mohalla - Jabbarchak, P.S. - Tatarpur, Distt. - Bhagalpur
 2. Zareen Imtiyaz @ Jarina W/o Md. Tanzil @ Tanzil Khan R/o Mohalla - Jabbarchak, P.S. - Tatarpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anupma Kumari, Assistant Project Officer, Child Save Movement, B.M.P, Patna 14 Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-07-2024 1. Heard learned Senior counsel for the petitioners Mr. N.K.Agrawal and learned A.P.P. for the State Mr. Chandra Bhushan Prasad along with learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 342, 323, 504, 354(B) of the Indian Penal Code, Sections 8, 10 of POCSO Act and Section 75 of J.J.Act.
3. Learned Senior counsel for the petitioners Mr. N.K. Agrawal submits that petitioners are persons with clean antecedent and are husband and wife. It is next submitted that



the mother of the victim became a widow, thereafter, she performed her second marriage and left her daughter with her sister namely Bibi Amna. It is next submitted that Bibi Amna since was not in a position to cater the child, as such, she being aware of the character of the petitioner left the child at the house of petitioner, so that, victim is taken care off. It is next submitted that victim was staying with the petitioner and was also working, in lieu whereof she was being given food, cloths and shelter. It is also submitted that no doubt the victim is a minor but then her mother had become a widow, as such, she was not in a position to sustain her nor her own aunt was able to sustain her, as such, the victim was kept with the petitioner with an assurance that they will give her a good upbringing. It is further submitted that the Bhabhi of the petitioner no.1 is on an inimical term with the petitioners, as such, she falsely made a complaint to an N.G.O. alleging that the victim was being mistreated, accordingly, the officials of the N.G.O. came to the house of the petitioners and took the child with themselves and instituted the instant F.I.R. with an allegation that the victim was residing in the house of petitioners, where Heera Khan used to behave inappropriately with the victim and the petitioners also used to torture her. Further, the child was brought to the police



station and the instant F.I.R. came to be instituted with a further allegation that she was confined in the house by the petitioners for the last two years and was mistreated.

4. The learned Senior counsel submits that the instant case came to be instituted at the behest of the Bhabhi of petitioner no.1. It is next submitted that the statement of the victim was recorded under section 164 Cr.P.C., wherein she has not alleged anything against petitioner no.1 though she has alleged that Heera Khan used to come to the house of the petitioners and used to touch her inappropriately and petitioner no.2 used to beat her when she did not do the work. It is further submitted that in sum and substance the victim has not alleged that the petitioners were aware of the act of Heera Khan being committed with the victim.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that there is a direct allegation against the petitioners of maltreating/mistreating the minor child. It is also submitted that keeping a minor child for the purpose of doing work in itself is an offence but then the learned counsel for the informant does not dispute the submission of the learned senior counsel appearing on behalf of the petitioners that the



victim has not alleged anything against the petitioner no.1. The learned counsel for the informant further submits that in the event if the privilege of anticipatory bail is granted to the petitioners, they will feel emboldened in committing such offence with impunity.

6. The learned Senior counsel at this stage submits that the investigation is going on and the petitioners will not abscond rather will co-operate in the investigation.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Tatarpur P.S. Case No.83/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioners despite giving assurance to this court are not co-operating in the



investigation in that event the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

9. It is further made clear that in the event if the charge sheet is submitted against the petitioners, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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