

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64822 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Sheikhpura

1. Guddu Rajak S/o- Maro Rajak Village- Husainabad Ps- Ariyari Dist- Sheikhpura
2. Birju Rajak Son of Mushari Rajak Village- Husainabad Ps- Ariyari Dist- Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Kamal Sah Son of Late Amzad Sah Village- Hussainabad Ps- Ariyari Dist- Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dinkar Kumar
For the Opposite Party/s :	Mr.Bishweshwar Ram
	Mr. Rabindra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

 2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354B, 504, 506 and 34 of the Indian Penal Code and Section 12 of POCSO Act.

 3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 5-6-2023 at 3 PM when she was feeding the cattle, the petitioner came and caught her from behind, on



protest, Guddu caught her by her hair and dashed her on the ground and tore her clothes and Birju said to outrage her modesty and put his hand on her chest, accordingly she raised alarm when her mother, sister and brother came, when the accused persons abused, assaulted and fled threatening them.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is also submitted that informant and her family members are in habit of implicating innocent persons and filing criminal cases. It is next submitted that Ariyari P.S. Case No. 123 of 2023 dated 3-5-2023, POCSO Complaint Case No. 11 of 2023 dated 6-4-2023 have been instituted by father of the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus submitted final form exonerating them of the allegations, but then the learned Magistrate, differing with the police report, took cognizance, as such, the petitioners apprehend their arrest. The learned counsel thus submits that when one investigating agency based on a threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for the court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same



investigation which exonerated the petitioners of the allegations.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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 trial court 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 the learned trial court where the case is pending/successor court in connection with Sheikhpur (Mahila) P.S. Case No. 26 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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