

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65825 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- HATHUA District- Gopalganj

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1. Arman Hussain S/o Hajrat Hussain R/o Village- Bari Deoriya, P.S- Hathua, district- Gopalganj
 2. Irfan Ali @ Akhtar S/o Hajrat Hussain R/o Village- Bari Deoriya, P.S- Hathua, district- Gopalganj
 3. Imran Ali @ Imran Alam S/o Hajrat Hussain R/o Village- Bari Deoriya, P.S- Hathua, district- Gopalganj

... .. Petitioners

Versus

1. The State of Bihar
2. XXXX D/o- Md. Hussain R/o vill - Bari Deoriya, P.s. - Hathua, Distt. - Gopalganj

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Advocate Mr.Sanjya Kumar Chaubey, Advocate
For the Opposite Party/s :		Mr.Abhay Kumar, A.P.P. Mr. Md. D. Quamar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioners, the State and opposite party no.2.

2. Petitioners apprehend arrest in a case registered for the offence punishable under section 506 of the Indian Penal Code, sections 8/12 of the POCSO Act and section 67 of the IT Act.

3. 13 years old informant alleged that on 15.6.2023 at 3 PM when she was on way to a Coaching center, these petitioners surrounded and pulled her Dupatta. Accused persons also committed indecent acts with the victim and made video clippings.

4. It is submitted on behalf of the petitioners that petitioner no.1 is Civil Diploma holder, petitioner no.2 is a student of B.Sc. 1st year and petitioner no. 3 is I.Sc. 1st year



student. Allegation of molesting the informant is false as petitioners are full brothers and it appears highly improbable that they conjointly commit such incident act with a 13 years old girl. Informant's brother Abdul Rehman @ Ashique had committed molestation with the sister of these petitioners for which Hathua P.S. Case No. 180/2023 was registered against Abdul Rahman and his family including Sabina Khatoon (informant in this case) and just to put pressure upon the petitioners to do compromise, present case has been lodged against these petitioners with false and concocted allegations. Police after investigation submitted false final form in this case and recommended a prosecution under sections 182 and 211 of the IPC against the informant on 12.3.2024. Thereafter, informant filed a protest cum law suit on which the Special Judge, POCSO Court, Gopalganj allowed the false final report but due to protest and law suit, the Court ordered to register a POCSO Complaint Case No. 15/2023. On 22.11.2022 mother of informant lodged Hathua Police Station Case No. 213 of 2022 in which police submitted final form against petitioner no.2 and 3 and submitted charge sheet against petitioner no.1. In paragraph 16 of the bail petition, it is averred that on 16.6.2023 a joint affidavit has also been filed to the effect that there is no any dispute between the parties and informant is agreed to withdraw Hathua Police Station Case No. 213 of 2022.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the background of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, be enlarged 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 Additional Sessions Judge VI cum Special Judge, POCSO Act, Gopalganj in Hathua Police Station Case No. 219 of 2023/ Complaint Case No. 15/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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