

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66833 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- AAJAM NAGAR District- Katihar

1. Md. Ayub Alam @ Ayub Alam @ Yaub Alam @ Ayub Son of Late Asad Hussain @ Sheikh Asad Hussain Resident of Village -Gadhbaina (Jogia Tola), P.O. - Siktia, P.S. - Azamnagar, District - Katihar.
2. Md. Hasibur Rahman @ Hasibur Rahman Son of Late Asad Hussain @ Sheikh Asad Hussain Resident of Village -Gadhbaina (Jogia Tola), P.O. - Siktia, P.S. - Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi Wife of Sopen Rai Resident of Village - Manaikhar, P.S. - Barsoi, District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Qumrul Hoda, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2024 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 and 354(B) of the Indian Penal Code as well as Section 4 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that she had purchased the land as described in the FIR from Tauhid Alam, further on 19.12.2023, she along with her



minor daughter went to see the land when accused persons including the petitioners came and said that the land belongs to them, on which she replied that she has purchased the land from Tauhid Alam, thereafter it is alleged that Hasibur Rahman (petitioner no. 2) and Aiyub Alam (petitioner no. 1) assaulted her and torn her cloths while Md. Khatib Alam and Kaluwa took her daughter in an orchard and disrobed her and tried to commit rape, but on alarm, villagers gathered and the accused fled away.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence. It is further submitted that on account of dispute relating to land, the present false case has been instituted by the informant. It is next submitted that the land in dispute belongs to the petitioners and the informant was claiming that she had purchased the same from Tauhid Alam. It is also submitted that the instant FIR arises from a complaint case. It is submitted that Md. Khatib Alam @ Khatib Alam had approached this Court by filing Cr. Misc. No. 65616 of 2024 and the same was allowed by an order dated 03.10.2024. It is further submitted that case of the petitioners is on a better footing and allegation of tearing clothes and disrobing is ornamental in nature.



5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners.

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

7. Considering the submissions made by the learned counsel for the petitioners, let 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 the learned court below where the case is pending/successor court in connection with Azamnagar P.S. Case No. 104 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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