

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68131 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- BABUBARHI District- Madhubani

1. Zahangeer Hajam @ Md. Jahangeer Son of Diljaan Hajam R/O Vill.- Baruar Jamuniya Tol, P.S. - Babubarhi, Dist.- Madhubani.
2. Jasim Hajam @ Jasim Son of Farman Hajam R/O Vill.- Baruar Jamuniya Tol, P.S. - Babubarhi, Dist.- Madhubani.
3. Suhail Hajam Son of Late Islam Hajam R/O Vill.- Baruar Jamuniya Tol, P.S.- Babubarhi, Dist.- Madhubani.
4. Jaslu Hajam @ Jaslu Son of Late Bhulla Hajam R/O Vill.- Baruar Jamuniya Tol, P.S.- Babubarhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Khatoon D/O Late Rijwan Alam R/O Vill.- Baruar, Jamuniya Tola, P.S.- Babubarhi, Dist.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravi Prakash, Advocate
For the Opposite Party/s :	Mr. Parmanand Prasad, A.P.P.
	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2024 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, 354(B) and 504/34 of the Indian Penal Code as well as Section 12 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 27.01.2023 at 05:00 p.m. she went to see her land



where petitioners were consuming alcohol. On objection, they tried to outrage the modesty of the informant. On alarm, villagers gathered and the accused persons fled away. It is further alleged that when the cousin of the informant went to the house of the accused persons to enquire, the accused persons assaulted them.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that the occurrence is dated on 27.01.2023 and the complaint case came to be filed on 30.01.2023 based on which the instant FIR came to be instituted. It is next submitted that Md. Jasim Hajam (petitioner no. 2) had instituted Babubarhi P.S. Case No. 22 of 2023 dated 29.01.2023 against the cousin of the informant and others alleging that they looted Rs.35,000/- from him and even tried to outrage the modesty of his sister by entering his house. Learned counsel submits that after Babubarhi P.S. Case No. 22 of 2023 dated 29.01.2023 came to be instituted against the cousin of the instant informant thereafter a complaint case came to be instituted on 30.01.2023 by way of a counterblast to Babubarhi P.S. Case No. 22 of 2023 dated 29.01.2023.

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



anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the instant FIR came to be instituted after the petitioner no. 2 had instituted the aforesaid criminal case against the cousin of the informant.

6. 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 Babubarhi P.S. Case No. 56 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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