

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65307 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- NAANPUR District- Sitamarhi

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1. SAHEBJAN SON OF LATE SULTAN REDIENT OF VILLAGE-
NANPUR, P.S- NANPUR DISTRICT- DARBHANGA
 2. MD. ANSARUL SON OF SAHEBJAN REDIENT OF VILLAGE-
NANPUR, P.S- NANPUR DISTRICT- DARBHANGA
 3. TEHARA KHATOON @ TAIHARA KHATUN WIFE OF SAHEBJAN
REDIENT OF VILLAGE- NANPUR, P.S- NANPUR DISTRICT-
DARBHANGA
 4. NAJRANA KHATOON @ NAJARANA KHATOON WIFE OF MD.
ANSARUL REDIENT OF VILLAGE- NANPUR, P.S- NANPUR
DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mr. Ramekwal Sah, S/o Late Asharphi Sha

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Nanpur P.S. Case No. 67 of 2023 registered under Sections
363, 366(A), 504, 506 and 34 of the Indian Penal Code and
Section 8 of the POCSO Act lodged on 10.02.2023 by the
informant, R. Sha.

As per the prosecution story, the informant alleged
that his daughter had gone to purchase some articles from the



shop when she failed to return, it came to notice that Md. Nasirul @ Jamirul has taken her along with his companions and when he went to his house, he was abused. Accordingly, the FIR.

Learned counsel for the petitioners submit that they are parents and elder brother, sister-in-law of Md. Nasirul @ Jamirul and as per the FIR, he has taken away the girl. The parents have no role to play in the matter.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that the main allegation is against Md. Nasirul @ Jamirul, they are family members and will be facing the trial once the FIR has been lodged as also none of them have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI- cum Special Judge, POCSO Act, Sitamarhi in connection with Nanpur P.S. Case No. 67 of 2023, subject to



condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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