

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79752 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- BENIPATTI District- Madhubani

1. Md. Sahnawaj Sheikh @ Sahnawaj son of Mr. Isarar,
 2. Md. Faisal Sheikh @ Faisal Son of Md. Isarar,
- Both are resident of Village-Makiya, P.S.- Benipatti, Dist- Madhubani,
3. Yasmin Khatoon @ Praveen @ Yasmin, Wife of Jilani, D/o Md. Isarar,
- Resident of Village- Makiya, P.S.- Benipatti, Dist- Madhubani, At present
wife of Md. Jilani, Ward No. 11, Mirjapur, P.S.- Bajpatti, Dist- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Banipatti P.S. Case No.155 of 2022 registered under Sections 341, 323, 354-B, 420 and 506 read with 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act').

3. Allegation against the petitioners is to abuse and assault the parents of informant/victim, where the occurrence of sexual assault has committed by one of the co-accused, namely,



Md. Fahad @ Shahad and matter was reported to the petitioners, being parents/relative.

4. It is submitted by learned counsel that petitioners has been implicated falsely being brothers and married sister of main co-accused, namely, Md. Fahad @ Shahad. It is submitted that implication of petitioners appears only when the brother of petitioners refused to marry the informant/victim. It is submitted that allegation of assault and abusing is of ornamental in nature as to connect the petitioners being a family members with the main offence as alleged to be committed by their brother. While concluding argument, it is submitted that petitioners are of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission, as implication of petitioners *prima facie* appears being family members of main co-accused, namely, Md. Fahad against whom the allegation of sexual assault is available, accordingly, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-VII-cum-Special Judge (POCSO Court),
Madhubani in connection with Banipatti P.S. Case No.155 of
2022, subject to the conditions as laid down under Section
438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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