

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13219 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- JAMALPUR District- Darbhanga

1. Md. Heera s/o Md. Shaboni Resident of village- Khaisa, p.s.-Jamalpur, Dist. - Darbhanga
2. Md. Ansar @ Ramjani S/o Ali Mohammad Vill.- Khaisa, P.S. Jamalpur, Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners seek regular bail in connection with Jamalpur P.S. Case No. 28 of 2023, lodged on 16.04.2023 under Section 376(D) of the Indian Penal Code read with sections 4,6 of the POCSO Act and section 67(A) of the I.T. Act.

3. As per the prosecution case, FIR has been lodged against the present petitioners against whom there is an allegation that they have committed rape with the informant's daughter and made obscene video and threatened to viral the video if she discloses the matter to anyone.

4. Learned counsel for the petitioners submit that the



petitioners are innocent and have committed no offence. Counsel also submits that the case diary has been called for and in the case diary, statement under section 164 Cr.P.C. is attached which is against the present petitioners. Counsel further submits that medical report is in his favour which states that there is no recent sexual intercourse with the alleged victim girl.

5. Learned counsel for the petitioners submit that the criminal antecedent of the petitioners is clean and they are in custody since 17.04.2023. Counsel further submits that the evidence of victim and the informant taken place before the Trial Court in which she has completely denied her earlier statements and correctly submitted that due to land dispute, the entire matter has arisen.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that under wrong impression and advice, the present case has been filed, but evidence adduced before the trial court is correct.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail** on furnishing bail bonds of Rs.30,000/-



(Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Jamalpur P.S. Case No. 28 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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