

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36628 of 2025

Arising Out of PS. Case No.-614 Year-2019 Thana- SAHARSA SADAR District- Saharsa

1. Md. Haidar S/o- Md. Halim Moh- Fakir Tola W.No-16, Ps- Saharsa Sadar Dist- Saharsa
2. Md. Bhaisar @ Md. Maisar @ Maisar S/o- Md. Halim Moh- Fakir Tola W.No-16, Gangjala, Ps- Saharsa Sadar Dist- Saharsa
3. Md. Natay @ Md. Ajhar @ Md. Azhar S/o- Md. Halim Moh- Fakir Tola W.No-16, Gangjala Ps- Saharsa Sadar Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Savina Khatun W/o- Late Md. Kasim Moh- Fakir Tola W.No-16, Ps- Saharsa Sadar Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-09-2025 Heard Mr. Amarnath Jha, learned counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Saharsa Sadar P.S. Case No. 614 of 2019 (corresponding to POCSO Case No. 27 of 2019) instituted under Sections 341, 323, 354, 504/34 of the Indian Penal Code and section 08 of POCSO Act lodged on 09.07.2019 by the informant, Sabina Khatoon.

3. As per the prosecution story, the allegation is that while two daughters were returning home, the accused persons



surrounded them and outraged the modesty. On protest, the allegation is of assault. When the younger daughter saw the occurrence, informed the locals, they arrived the place, the accused fled the spot. This led to the FIR.

4. Learned counsel for the petitioners submit that in the village, minor hot altercation took place, the same was exaggerated and led to the lodging of the FIR. They have no criminal antecedent and are ready to face the trial.

5. Learned APP opposes the prayer stating that allegation of outraging modesty/assault is there.

6. In this case, the coordinate bench had issued notice and as per the office notes, it has been validly served upon the opposite party no.2.

7. Taking into account the aforesaid facts as also that these petitioners have no criminal antecedent, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties



of the like amount each in connection with Saharsa Sadar P.S. Case No. 614 of 2019 (corresponding to POCSO Case No. 27 of 2019) to the satisfaction of learned Additional Sessions Judge-VI cum Special Judge, POCSO, Saharsa subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;

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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

