

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67480 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- RAXAUL District- East Champaran

Jakir Miyan @ Jakir Hussain S/O Late Md. Ishque Miyan Resident of
Village- Chhota Tumariya Tola ward 5, P.S- Raxual, Distt.- East Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Begam D/O Nathu Miyan R/O Village- Chhota Tumariya Tola
Ward No. 5, P.S- RAXaul, Distt.- E. Champaran.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68157 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- RAXAUL District- East Champaran

1. Manu Alam @ Samsad Ansari S/O Jakir Miyan Resident of Village- Chhota
Tumariya Tola Ward 5 , P.S- Raxual, Distt.- East Champaran.
2. Saltu Mian @ Raunak Ahmad @ Raunak S/O Nasir Miyan Resident of
Village- Chhota Tumariya Tola Ward 5 , P.S- Raxual, Distt.- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chandani Begam D/O Nathu Miyan R/O Village- Chhota Tumariya Tola
Ward No. 5, P.S- Raxaul, Distt.- E. Chamapran.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67480 of 2024)

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Ram Priya Sharan Singh
For the Informant Mr. Rohit Ranjan

(In CRIMINAL MISCELLANEOUS No. 68157 of 2024)

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 28-04-2025 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no. 2.

2. The petitioners are apprehending their arrest in a



case registered for the offence punishable under Sections 341, 323, 324, 376, 504 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The matter arises out of complaint case filed by the opposite party no. 2 which was subsequently sent for institution of an FIR under Section 156(3) of the Cr.P.C.

4. The prosecution case, in brief, is that while informant had been outside her house, the petitioners Manu Alam, Jakir Miyan and Saltu Miyan forcibly caught hold of her and took her inside the house of Saltu Miyan and they tried to commit wrong with her and also assaulted her. It is further alleged that the informant narrated the incident to her so called adoptive mother who visited the house of the petitioner Manu Alam where she was also assaulted by the petitioners.

5. Learned counsel for the petitioners submits that the date of occurrence is said to be 17.11.2023 and from the averments in the complaint petition, it would appear that initially the statement had been given before the SHO of the concerned police station and the said written report of the informant is part of the First Information Report. A perusal of this report would go to show that there is general and omnibus allegation on six persons including female members of the



family. It is alleged that all of them took her forcibly to the house of one Saltu Miyan and assaulted her by means of legs and shoes. It has also been alleged that prior to this occurrence, the petitioner Manu Alam used to come to her house and committed some wrong acts with her which she had earlier also complained about. Learned counsel for the petitioners has also brought the other written report before the Superintendent of Police, Motihari to the notice of the court which shows that it was petitioner Manu Alam who had entered her house for committing some wrong with her earlier and on protest, on the date of occurrence petitioner Manu Alam along with all other persons assaulted her. The injury report annexed along with the FIR is that of one Jarina Khatoon who is alleged to be the adoptive mother of the informant who had subsequently come to the place of occurrence.

6. Learned counsel for the petitioners further submits that the present complaint petition came to be filed on 03.01.2024 whereupon the FIR was instituted on 06.01.2024. It has also been submitted that the present complaint is a counter blast of the case filed on behalf of the petitioner Jakir Mian against the adoptive mother of the informant and others and the same has been brought on record by way of Annexure-2 to the



present application and the present complaint was filed on 23.11.2023. Learned counsel for the petitioners further submits that there is no injury report of the informant on record which would go to substantiate her allegations and her age in the medical examination report has been shown to be between 17-18 years which would appear from para-62 of the case diary. It has also been submitted that even with regard to Manu Alam, the allegation is only to make an attempt on the date of occurrence to commit some wrong with her. With regard to this also a submission has been made that this allegation is also not believable in view of the fact that his father and other family members are also said to be present at the time of occurrence.

7. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the application for anticipatory bail on the ground that the victim girl is a minor and she has supported her case in her statement recorded under Section 164 of the Cr.P.C.

8. Upon perusal of two written reports before the police officers as also the complaint and the statement recorded under Section 164 of the Cr.P.C., it would appear that the statements of the informant/victim girl is at variance with each other and is not consistent. The allegations are basically of some



assault which is general and omnibus in nature and the injury which is also in the nature of only some medicines having been prescribed to the mother of the informant and the informant has not suffered any injury in the present case.

9. Taking into consideration all the above-mentioned facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioners who have no criminal antecedent. Let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Raxaul (Haraiya) P.S. Case No. 06 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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