

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80016 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- NAANPUR District- Sitamarhi

Mohammadin Gauhar S/o Late Salim R/o Village- Majhaur, PS- Nanpur,
District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saba Parvin D/o Md. Gulzar R/o Vill - Majhaur, P.s. - Nanpur, Distt. - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shamimul Hoda

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 28-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nanpur Police Station Case No. 270 of 2023, dated 09.06.2023, disclosing offences under Sections 341/323/354(B)/504/506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.
3. The prosecution case, as per the First Information Report, is that on 04.06.2023, in the afternoon, the informant, along with her sister, went to collect money, from the co-accused persons and demanded the same. The petitioner



and other accused person committed sexual assault upon the informant and her sister.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged and work as Munsif in the Civil Court, Pupri, Sitamarhi, along with co-accused Md. Soiyad Alam Khan @ Md. Soiyab Khan. The petitioner has falsely been implicated, along with co-accused Md. Soiyab, in the present case due to the fact that in a Miscellaneous Case No. 538 of 2021, going on between the informant's father and one villager, namely, Md. Guzar, and in the E.P. 01 of 2021, filed by the villager challenging the election of Mukhiya, the co-accused Md. Soiyab Alam Khan has filed vakalatnama. Learned counsel next submits that the police, after investigation, has submitted final report not sending the petitioner for trial, however, learned Magistrate, has differed with the final report and took cognizance against the petitioner and others. The informant is major which would be evident from her school marksheet. He further submits that the co-accused Md. Soiyab Alam Khan has been granted anticipatory bail by this Court in Cr. Misc. No. 29550 of



2024.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the police, after investigation, has submitted final form not sending the petitioner for trial and the petitioner is a Munshi of the co-accused Md. Soiyab Alam Khan, who has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI -cum- Special Judge POCSO, Sitamarhi, in connection with Nanpur Police Station Case No. 270 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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