

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87829 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- BALIYA District- Begusarai

-
-
1. Md. Murtuja @ Md. Pachchu Son of Late Md. Israil Resident of Village - Choti Balia Misikar Tola, P.S. - Ballia, District - Begusarai
 2. Ruveda Khatoon Wife of Md. Murtuja @ Md. Pachchu Resident of Village - Choti Balia Misikar Tola, P.S. - Ballia, District - Begusarai
 3. Md. Arbaz Son of Md. Murtuja @ Md. Pachchu Resident of Village - Choti Balia Misikar Tola, P.S. - Ballia, District - Begusarai
 4. Tetari Khatoon Daughter of Md. Murtuja @ Md. Pachchu Resident of Village - Choti Balia Misikar Tola, P.S. - Ballia, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Chaudhary Son of Late Anandi Chaudhary Resident of Village - Choti Balia Misikar Tola, P.S. - Ballia, District - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Singh, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Sarvottam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-05-2025 Heard Mr. Rahul Singh, learned Advocate for the petitioner, Mr. Binay Krishna, learned APP for the State and Mr. Sarvottam Kumar, learned Advocate for the informant.

2. The petitioner apprehends his arrest in connection with Ballia P.S. Case No. 310 of 2024, registered for the offences punishable under Sections 137(2), 96, 3(5) of the B.N.S., 2023 and under Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(v), 3(v) of SC/ST (POA) Act and POCSO Act.

3. Based upon the written report, the prosecution



alleges that on 14.09.2024, the minor daughter of the informant was enticed away by co-accused Md. Chhotu. When the informant reached to the house of Md. Chhotu, the petitioners, who are said to be his family members have threatened him and abused by taking his caste name leading to lodging of the F.I.R.

4. Learned Advocate for the petitioner taking this case through the F.I.R., primarily contended that the alleged occurrence took place on 14.09.2024 but the present F.I.R., came to be lodged on 17.09.2024. The allegation levelled in the F.I.R., clearly suggest that it is the informant who himself went to the house of the petitioners and even it has not been fully disclosed as to what has been stated and who has abused by taking the caste name of the informant. It is further contended that in fact, the petitioners are family members of Md. Chhotu against whom the entire allegation revolves around and as such their names have been implicated only in order to mount pressure. It is lastly contended that be that as it may the victim was immediately recovered and her statement was recorded under Section 164 of the Cr.P.C., however, she has not even whispered against the complicity of the petitioners in the crime.



5. On the other hand, learned counsel for the State and the informant vehemently opposed the pre-arrest bail application and submit that the age of the victim has been assessed only fourteen years and without the help of the family members, it cannot be imagined that co-accused Md. Chhotu enticed away the minor daughter of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., coupled with the statement of the victim recorded under Section 164 of the Cr.P.C., as also the fair antecedent of the petitioners, who are none else but family members of the accused, Md. Chhotu, against whom the entire allegation revolves, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Judge of POCSO Act, Begusarai in connection with Ballia P.S. Case No. 310 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023



with the further condition that one of the bailors shall be the
own/close family members of the petitioner.

(Harish Kumar, J)

aditya/-

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

