

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28329 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -BARSOI District- KATIHAR

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Rashid @ Md.Rasid @ Akalu, son of Raisuddin Resident of village
Chaundi, Police Station Barsoi, District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah

For the Opposite Party/s : Mr. Sri Durgesh Nandan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 27-07-2016 Heard Mr. Md. Rahmatullah, learned counsel for the

petitioner , learned A.P.P. as well as Sri Ratnakar Ambashtha ,

learned counsel , who has appeared on behalf of the complainant/

opposite party no. 2.

The petitioner, apprehending his arrest in connection
with Barsoi P.S. Case No. 30 of 2016 registered for the offence
under section 341, 342, 323, 354, 376, 506, 504/ 34 of the
Indian Penal Code and section 3 of the Protection of Children
From Sexual Offences Act, has prayed for grant of anticipatory
bail.

It was submitted by learned counsel for the petitioner
by way of referring to the F.I.R. that allegation of rape under
the Protection Of Children From Sexual Offences Act is only
against accused Jamil Akhtar. The petitioner's name has



appeared after the said occurrence was committed and thereafter only allegation against the petitioner is that he committed an offence under section 354 of the Indian Penal Code. According to learned counsel for the petitioner the offences under section 354 of the Indian Penal Code is bailable. He submits that keeping in view the fact that F.I.R. was lodged under section 376 and other sections of the Indian Penal Code and under Protection Of Children From Sexual Offences Act prayer of bail of the petitioner has been rejected. He submits that the main accused Jamil Akhtar is in custody and other three accused persons have already been extended the privilege of anticipatory bail by the court below itself.

Learned A.P.P. as well as learned counsel for the complainant has vehemently opposed the prayer for anticipatory bail. It was submitted that there is specific accusation against the petitioner that after the commission of offence by Jamil Akhtar with the daughter of the informant, the petitioner tried to molest the mother of the victim and as such the petitioner does not deserve the privilege of anticipatory bail.

Besides hearing I have perused the material available on record. It is a fact that main allegation is against accused Jamil Akhtar and according to learned counsel for the petitioner the

said accused is already in custody, the petitioner has appeared after commission of the said offence which is evident from the F.I.R.

In the facts and circumstances particularly the fact that other three accused, except Jamil Akhtar, have already been granted anticipatory bail there is no reason to deny the same relief to the petitioner. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Rashid @ Md. Rasid @ Akalu be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge – I, Katihar in connection with Barsoi P.S. Case No. 30 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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