

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34533 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

Enamul Haque @ Enamul Hque S/o Jamshed Miyan, R/o Village- Latari,
P.S.- Bousi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 13-09-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mahila Police Station Case No. 93 of 2016, disclosing offences under Sections 376, 384, 323, 506 and 34 of the Indian Penal Code and Section 4 of the POSCO Act.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, there is inordinate delay of 20 days in lodging the F.I.R. As a matter of fact, the informant who is 17 years of age is major, which is evident from annexure-2, therefore Section 4 of the POCSO Act is not made out against the petitioner. Moreover, the informant along with her mother



has filed a petition before A.D.J.-1st, Araria stating that all the allegation against the petitioner are false and both the petitioner and the informant were married prior to the alleged date of occurrence, which is evident from annexure-4, therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria Mahila Police Station Case No. 93 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J.)

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