

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15971 of 2017

Arising Out of PS.Case No. -176 Year- 2016 Thana -BAUSI District- PURNIA

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1. Md. Ahle Rasul @ Md. Ale Rasul, son of Md. Numan @ Numan, R/o
village- Charaiya, P.S.- Baisi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 10-07-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Baisi P.S.
Case No.176 of 2016 instituted for the offence under Section(s)
376 Indian Penal Code and Section 4 of the POCSO Act.

There is allegation against this petitioner that he
committed sexual act with the informant, who is minor, on the
pretext of marrying her. It is further alleged that after establishing
physical relationship several times with her when she became
pregnant then he refused to marry her.

Statement of the victim girl was recorded under
Section 164 Cr. P. C., wherein, she has stated her age as 17 years
and the Court has assessed her age as 17 years 6 months. In the
statement recorded under Section 164 Cr. P.C., the girl has stated



that he established physical relationship with her for about two months on the promise to marry her. Girl has been medically examined and the doctor has assessed her age to be 19 years.

In such circumstances, from the allegation in the written report and the statement made under Section 164 Cr. P.C., it is apparent that sexual act was done with the informant by this petitioner with her consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Special Case No.69 of 2016 arising out of Baisi P.S. Case No.176 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, Purnea, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the



petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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