

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33472 of 2017

Arising Out of PS.Case No. -208 Year- 2017 Thana -PIRBAHOR District- PATNA

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Intakhab Anwar @ Moon Khan @ Intakhab Ahmad Son of Md. Rafiq
Anwar @ Tariq Anwar, R/o Mohalla- Dariyapur, Qutubuddin Lane, P.S.-
Pirbahore, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and learned APP
for the State.

This is a case registered under Sections 376, 323, 504/34 of
the Indian Penal Code and 4 of the POCSO Act.

Counsel for the petitioner submits that the informant of the
instant case had earlier threatened him to implicate in the false
case in respect of which he filed an Informatory Petition No.
1240 of 2017 on 29.04.2017 and in retaliation to that he has
falsely been implicated in the instant case. He further submits that
from perusal of the FIR as well as the statement recorded under
Section 164 Cr.P.C, it is quite obvious that the informant on her
own volition has been visiting the petitioner's repeatedly. Also the
statement of the informant under Section 164 Cr.P.C, shows that



there is no allegation of rape against the petitioner. He further submits that although the informant is said to be 17 years old in the FIR as well as in the statement under Section 164 Cr.P.C, but he has filed a petition in the Court below praying that her age may be assessed as she is 18 years old. He further submits that prior to the instant case there is no criminal case pending against him. The petitioner is in custody since 09.05.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge 1, Patna cum-Special Judge, POCSO in Special (POCSO) Case No. 70 of 2017 arising out of Pirbahore P.S. Case No. 208 of 2017.

(Madhuresh Prasad, J)

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