

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19730 of 2018

Arising Out of PS. Case No.-543 Year-2017 Thana- GOGRI District- Khagaria

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Md. Azad @ Md. Azad Hussain, S/o Md. Jamil @ Md. Gyasuddin, R/o
Village- Muskipur, P.S.- Gogari, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 354A/34 of the Indian Penal Code and Sections 12 and 18 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case got initiated on the basis of written report dated 24.12.2017 submitted by Ajit Das to the Station House Officer, Gogari Police Station is to the effect daughter of the informant Puja Kumari aged about 17 years and 10 months and other girl Rutika aged about 18 years went to take tuition. On 24.12.2017 at 8.00 A.M., the informant received information that both the girls are being enticed away by certain people, but the police intercepted them and took them to police station when



the informant reached to the police station her daughter conveyed him that Rocky @ Chhotu @ Rashid Akhtar and the petitioner Azad and co-accused Babar tried to take them to the house of Rahat Hussain. On alarm being raised, Rocky @ Chhotu @ Rashid Akhtar, Babar and Guddue were arrested by the police.

It is submitted by learned counsel for the petitioner that the FIR has been lodged against accused Azad, son of Jamil, whereas, the father's name of the petitioner is Md. Gyasuddin. The petitioner was not present at the place of occurrence, hence, he could not be apprehended. In the statement of the victims, recorded under Section 161 of the Code of Cr. P.C., they have not named the petitioner, though they have named one Rockey. However, statement of the victim girls have not been recorded by the police under Section 164 of the Cr. P.C., which has become mandatory after amendment through the Criminal Law (Amendment) Act, 2013, if the case is registered under Sections 354A, 354B, 354C, 354D, 370A, 376A, 376B, 376C, 376D and 504 of the Indian Penal Code. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the



State that the petitioner has been named in the FIR.

Considering the fact that the petitioner has not been named by the victims in 161 Cr. P.C. statement, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st ADJ-cum Special Judge, POCSO, Khagaria, in connection with Gogari P.S. Case No.543 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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