

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48454 of 2017

Arising Out of PS. Case No.-28 Year-2017 Thana- MAHILA PS District- Darbhanga

Md. Sonu @ Md. Sanauddin, Son of Md. Asfaque, Resident of Village-
Chhapki, P.O. Laxmisagar, P.S. Sadar District-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

6 07-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Mahila (Sadar) P.S.
case no. 28 of 2017 instituted for the offence under Section(s)
448, 354, 354(D) of the Indian Penal Code and Section 8/12 of
the POCSO Act.

Learned counsel for the petitioner has submitted that there
is some difference between the informant and his wife on
account of which the instant case has been filed. The petitioner
has been implicated in this case due to aforesaid personal rivalry
between the informant and his wife.

In the written report, it is alleged that petitioner tried to
outrage the modesty of the daughter of the informant while she
was sleeping alone in the house.



The case diary has been received wherein statement of the victim girl recorded by the police is available wherein the victim girl has stated that her mother always helped Md. Sonu and used to call her in the house. While she was sleeping alone in the house Md. Sonu (petitioner) attempted to outrage her modesty. Statement of the victim girl recorded under Section 164 of the Cr. P.C. was called from the Court below which has been received wherein the victim girl had given different story that her mother and this petitioner tied her with Chowki and then this petitioner committed illegal act with her.

In such circumstances, it appears that at every stage different story has been stated by the victim girl. The informant has merely alleged in the written report that this petitioner attempted to outrage the modesty of the victim girl.

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 Mahila (Sadar) P.S. case no. 28 of 2017, 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 learned Special Judge, (POCSO) Darbhanga, 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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