

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46319 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -DAGARUA District- PURNIA

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Hasan Raja @ Fakira, Son of Sarfuddin, R/o Village- Achhepur , P.S.-
Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Helal Ahmad, Advocate.

For the Opposite Party/s : Smt. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 15-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Dagarua P.S.**

Case No. 77 of 2016 instituted for the offence under Section 376 of the Indian Penal Code and Sections 3, 4 and 6 of POCSO Act, 2012.

In the written report it is alleged that the informant was having love affair with this petitioner and petitioner established physical relationship with her on the pretext to perform marriage with her. The informant became pregnant on account of such physical relationship. It is further alleged that the petitioner refused to perform marriage with the informant.

Learned counsel for the petitioner has submitted that from the averment of the informant in the *Fard-e-beyan*, it appears



that she had love affair with this petitioner and physical relationship was established with her consent. He has further submitted that now matter has been settled between the parties for which one *Panchnama* has been prepared which is enclosed as Annexure-2. Annexure-5 has also been annexed by the petitioner which is Medical report of the informant, wherein the Doctor has found her age between 17 to 18 years and she was found pregnant of 24 weeks.

The informant has filed petition in the court below annexed as Annexure-4 stating that now the matter has been settled between both the parties.

In such circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Dugarua P.S. Case No. 77 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 **learned Additional Sessions Judge, 1st, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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