

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70044 of 2018

Arising Out of PS. Case No.-571 Year-2016 Thana- KHAJANCHI HAT District- Purnia

Md. Kurban @ Tahseeb, S/o Late Hanif, Resident of Village- Nishiganj, Line Bazar, P.S.- K. Hat (Sahayak), Dist- Purnea. Petitioner

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s : Mr. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-12-2018 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 341, 323, 379 and 504/34 of the Indian Penal Code and Sections 8/12 of POCSO Act., wherein Section 354 of the IPC was also added subsequently.

The prosecution case as per the written report of Mannan Khan, submitted to the S.H.O., K. Hat (Sahayak) P.S. is to the effect that on 06.12.2016 at 7.30 P.M., the minor daughter of the informant namely, Manouwara Khan was playing badminton, when the shuttlecock went inside the boundary of the Assabil Public School which is situated near the house of the informant. When the daughter of the informant went inside the said to get back the shuttlecock, then co-accused Raja Ali offered her to make love. When the informant returned home



then his daughter conveyed him about the incident. On the next morning i.e. on 07.12.2016, the informant went to the school and asked about Raja Ali, but the informant came to know that Raja Ali has gone to his village. On 09.12.2016, the informant again went to the school along with 30-40 persons and again enquired that whereabouts of Raja Ali. Thereafter, the Headmaster of the said school asked them to sit and called another student of the school in place of Raja Ali for identification. Thereafter, hot exchange of words between the Headmaster and the informant took place. It is further alleged that the informant and other persons were assaulted by the bouncers of the school, as a result, they got injured and the bouncers also snatched a gold chain from the neck of the informant.

It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused Raja Ali. Admittedly, the petitioner was not present at the time of occurrence. 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 learned APP for the State that there is specific allegation against the petitioner.

Considering the fact that the specific accusation is against Raja Ali coupled with the 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 Additional Sessions Judge, Purnia cum Special Judge, Purnia** in connection with **K. Hat (Sahayak) P.S. Case No. 571 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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