

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35924 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

MD. SHARUKH S/o Sonu Khan @ Md. Sonu Resdient of Mohalla- Banaras
Bank Chowk, Nala road, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 354(A), 354(D) 363, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Prosecution case in short is that the informant, namely, Najma Khatoon has stated in her written information that on 19.02.2019 when her daughter aged about 9 years went for Banara Bank Chowk in the meantime both F.I.R. named accused persons including the petitioner took her on motorcycle and sexually exploited her as well as gave threats her also but anyhow she came and narrated the entire incident to the informant.



It has been submitted on behalf of the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the present case. He submits that occurrence took place on 19.02.2019 but after lapse of 21 days F.I.R. has been lodged on 13.03.2019 on that basis learned counsel for the petitioner has prayed for grant him anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Mahila P.S. Case No. 10 of 2019 pending before the court of the learned Special Judge, POCSO Act, Muzaffarpur.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and if he does so and makes prayer for bail, the learned court below shall grant bail to the petitioner on the same day.

(Anjani Kumar Sharan, J)

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