

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39149 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA P.S. District- Samastipur

Md. Sajjad S/o Md. Shamim Resident of Village- Goddopur (Momin Tola)
Ward No. 12, P.S.- N.H. Bangara, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-11-2019 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 448,341,323,324,307,354,504,506 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the allegation in the FIR, the daughter of the informant was tortured on the point of pistol by the petitioner who had also written his name with blade on her hand. It is further stated that later on they also threatened her family members.

It is submitted by learned counsel for the petitioner that from reading of the FIR it would transpire that though the occurrence is alleged to have taken place on 25.12.2018, the



FIR was registered only on 27.02.2019 without any reasonable explanation for the delay. Further, in the FIR there is no allegation of any physical relationship having been established. However, in 164 Cr.P.C statement the allegation of physical relationship/rape has been made, however, the same is not supported by the medical evidence.

It is submitted by learned counsel for the informant that the allegation against the petitioner in the FIR is very serious in nature with complete explanation for the delay in lodging of the same. Further the allegations have been supported by the statement of the victim girl under section 164 Cr.P.C. as also from the medical report.

Having heard learned counsel for the parties and taking into consideration the delay in lodging of the FIR, the fact that pursuant to the order dated 20.09.2019 passed by this court in the instant case the petitioner appeared before the Investigating Officer and is co-operating in the investigation, the Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Mahila P.S. Case No. 12 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Samastipur subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

It is further directed that one of the bailors of the petitioner shall be his father and that the petitioner shall remain personally present on each and every date of the trial. In case of his absence on two consecutive dates without any just explanation for the same to the satisfaction of the Court below, the court below shall be at liberty to cancel the bail of the petitioner and take him in custody till conclusion of the trial.

(Partha Sarthy, J)

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