

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42604 of 2019

Arising Out of PS. Case No.-148 Year-2017 Thana- AMAUR District- Purnia

MD. ALAMGIR @ ALAMGIR, Aged about 28 years, Male, Son of Chittan
Resident of Village Rasailly P.S. Amour District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-07-2019 Learned counsel for the informant appeared by filing
vakalatnama.

Heard both sides.

The petitioner apprehends his arrest in POCSO Case
No.84/2017, CIS No.633/17(Amour P.S. Case No.148 of 2017)
registered under Sections 376, 511 and other minor Sections of
the Indian Penal Code.

The prosecutrix alleged in her complaint petition on
the basis of which the present F.I.R. was lodged that while she
had gone along with her mother to ease out, the petitioner
caught her behind and made an abortive attempt to commit rape
with her.

The learned counsel for the petitioner submits that the
occurrence took place on 01.07.2017 but the complaint was



filed on 06.07.2017 on the basis of which F.I.R. was lodged on 21.10.2017. The informant made false allegation only because on 01.07.2017, the she-goat of the petitioner had grazed the crops of the informant for which Payaru, the brother of the informant and others caught the petitioner and Payaru assaulted the petitioner with knife in his neck. The villagers caught Payaru on the spot. It is further submitted that Amour P.S. Case No.97 of 2017 was registered by the petitioner. The brother of the informant is still in custody. It is further submitted that the police after investigation submitted final form finding the accusation made by the complainant-informant false and concocted.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the complainant made very serious allegation that it was petitioner who made an abortive attempt to commit rape with the victim. The victim was going to lodge the case on the date of occurrence itself but the Sarpanch of the village prevented her for lodging the case on the pretext of settlement and that is why some delay was caused.

It appears that victim of course alleged that while she had gone to attend the call of nature, the petitioner made an



abortive attempt to outrage her modesty on 01.07.2017 but from perusal of the F.I.R. of Amour P.S. Case No.97 of 2017, it appears that brother of the informant stabbed in the neck of the petitioner for which F.I.R. was lodged on 02.07.2017. The police after investigation of the present case found the accusation against the petitioner false and submitted final form.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released 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 A.D.J. 1st -cum-Special Judge, POCSO Act, Purnea in connection with POCSO Case No.84/2017, CIS No.633/17(Amour P.S. Case No.148 of 2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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