

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45147 of 2019

Arising Out of PS. Case No.-372 Year-2016 Thana- MUFFASIL District- West Champaran

Faroon @ Karoon, Son of Late Fidan Mian Resident of Village- Shivaghat
Malahi Tola, Police Station- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bettiah Muffasil (Manuapul) P.S. Case No.372 of 2016, S.G.R.
No.29 of 2016, for the offence punishable under Sections 323,
374, 376, 341, 342, 504, 324 of the Indian Penal Code and
Section 4/6 of POCSO Act and Section 23/24 of Juvenile Justice
Act.

The allegation against the petitioner as per the First
Information Report lodged by Principal Magistrate, Juvenile
Justice Board, West Champaran, Bettiah which has been
forwarded to the police for lodging the First Information Report
along with the letter issued by the Child Welfare Committee,



Bettiah vide letter No.106 of 2016 dated 19.05.2016 and letter No.262 of 2016 dated 11.08.2016 stating therein that accused persons committed rape upon the victim girl namely, Jarina Khatoon.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as the petitioner happens to be the father of the victim girl. Learned counsel further submits that statement of victim girl has been recorded under Section 164 Cr.P.C. which is Annexure-2 to this application and from perusal of the same, it would be evident that the victim girl has not said anything against the petitioner and on the contrary has taken the name of Md. Pervej. Learned counsel, relying upon Annexure-3, submits that police after investigation submitted final form as a mistake of fact and did not send petitioner for trial.

Having regard to the submissions made by the parties and taking into consideration the fact that the victim girl in her statement recorded under Section 164 Cr.P.C. did not state anything against the petitioner and police after investigation has submitted final form not sending the petitioner for trial, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed



to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-Ist-cum-Special Judge (POCSO), Bettiah, West Champaran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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