

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12341 of 2020

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Md. Rasid @Md. Rashid S/o Late Ismail, resident of village Vikrampur  
Bande Dih P.S. Samastipur Mufassil District Samastipur.

.....Petitioner

Versus

1. The State of Bihar

2. Mustari Begam W/o Late Md. Anwarul resident of village Vikrampur  
Bande Dih, P.S. Samastipur Mufassil, District Samastipur.

.....Opposite Parties

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Appearance

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate

For the State : Mr. Mohammed Arif, APP

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2     15.7. 2020

Heard learned counsel for the petitioner and learned APP for the  
State through video conferencing.



The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case no. 341 of 2017 wherein cognizance has been taken under sections 366A and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the complaint, the minor daughter of the complainant was kidnapped by the accused persons for which Samastipur P.S. Case no. 212 of 2016 was registered by her. After narrating the contents of the said FIR, it is further stated that her daughter was recovered by the police personnel in the said case but was in a shaken condition. The accused persons together with the police personnel got her statement recorded to their liking under section 164 Cr.P.C and the police are not taking any steps as expected of them. It is stated that she apprehends that the earlier FIR registered by her may be closed showing it to be a case of love affair.

It is submitted by learned counsel for the petitioner that the petitioner was falsely implicated in the above mentioned FIR being Mufassil P.S. Case no. 212 of 2020 (District Samastipur) (Annexure 2) wherein in course of investigation, the statement of the daughter of the informant was recorded under section 164 Cr.P.C. Thereafter, not finding the case to be true, the police submitted final form (Annexure 4) on 30.9.2006. The said final form was accepted by the Court. However, before submission of the final form as the instant complaint (Annexure 1) had been filed, the Court proceeded in the matter and after examination of the witnesses, cognizance has been taken and thus the petition for anticipatory bail. It is submitted that the instant case is in continuity of the aforesaid Mufassil P.S. Case no. 212 of 2016 wherein final form has been submitted against the



petitioner and the same has also been accepted by the Court. Besides the said case, the petitioner has no other case against him.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as stated above, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 341 of 2017 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge POCSO Act, Samastipur, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

**(Partha Sarthy, J)**

**Prakash**

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