

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26563 of 2020**

Arising Out of PS. Case No.-270 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

MD. IRSHAD S/O Md. Obaid @ Md. Aabaid Resident of Vill - Pura, P.S.-
Sadar, Dist. - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kahkasha W/O Md. Irshad D/O Md. Aabid sidiqui Resident of Vill - Pura,
P.S.- Sadar, Dist. - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha
For the State : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 504/506 of the Indian Penal
Code and Section 4/6 of POCSO Act.



Prosecution case in short is that, the petitioner used to unwelcome and sexually coloured remarks with the informant namely Kahkashan from six to seven months in course of school going and coming back. It is also alleged that the petitioner and two unknown persons restrained her and accused petitioner proposed to marry with her and accordingly, the petitioner took away the informant on his motorcycle. It is further alleged that the petitioner administered poison to the informant and committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner has been falsely implicated in the present case. On the pretext of marriage, physical relationship was established between the petitioner and the victim. The physical relation was a con-sensuous relationship between the parties. Subsequently, the victim has got married with the petitioner and the matter has been compromised between the parties which is evident from Annexures- 2 & 3 to the present application. A petition has also been filed before the court below in respect of the same.

On behalf of the State, it is submitted that the petitioner is



named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge [POCSO Act], Darbhanga in connection with Sadar P.S. Case No. 270 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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