

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74097 of 2019

Arising Out of PS. Case No.-39 Year-2017 Thana- MAHILA P.S. District- Araria

MD. AZAD Son of Md. Nabir Hussain Resident of Village - Jhingali, Chakala Chowk, P.S.- Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Section 376/34 of the I.P.C. Section 3/4 of the POCSO Act.

Informant has alleged in her written complaint that on 26.06.2017 while she was cutting grass in the field, petitioner caught her and on strength of knife committed rape with her and she disclosed the incident to her family members who went to the house of petitioner and they promised that petitioner will solemnize marriage with victim, however, subsequently, he denied and thereafter present case was instituted.

It has been submitted on behalf of the petitioner that incident is of 26.06.2017 whereas FIR was instituted on 20.07.2017. Allegations are false and concocted with motive to



force petitioner to marry the victim. It has been further submitted that victim has already been married. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Araria (Mahila) P.S. Case No. 39 of 2017, corresponding to Special (POCSO) Case No. 22/17 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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