

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26022 of 2020

Arising Out of PS. Case No.-57 Year-2016 Thana- MAHILA PS District- Katihar

MD. HUSSAIN Son of Md. Farid @ Md. Farid Alam, Resident of Village-
Hazi Jhabbu Tola, P.S.- Amdabad, District- Katihar.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Rabina Khatoon D/o Muzaffarpur Alam R/v Hazi Jhabbu Tola, P.S.-
Amdabad, Distt- Katihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

6 22-02-2021 Heard learned counsel for the petitioner and Mr. Kumar
Ranjit Ranjan, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Mahila P.S. Case No. 57 of 2016 registered for the offence under Sections 376, 313, 506, 120(B)/34 of the Indian Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the F.I.R. was lodged on 04.07.2016, thereafter the petitioner and the informant entered into matrimonial relationship and this fact would be proved from her own statement in the complaint case (Annexure-3) filed under Section 498A of the IPC wherein she had disclosed about her marriage with the petitioner on 19.07.2016.

Learned A.P.P. for the State has opposed the prayer for



anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the learned court below has differed with the police report and found a prima-facie case under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus refused.

If the petitioner surrenders and prays for regular bail in the Court below within a period of four weeks from today, the submission of learned counsel for the petitioner that there was a marriage between the petitioner and O.P. No. 2 in accordance with muslim custom and thereafter there was a divorce, shall be considered by the learned Court below and an appropriate view shall be taken thereon.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

