

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45859 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- MAHILA P.S. District- Nawada

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Md.Arbaz Khan @ Arbaz Khan Son of Md. Moin Khan Resident of village -
Suleman Nagar, P.s.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-12-2021 Let the defects, if any, be removed within four weeks
after complete start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
376/341/323/354B/34 of the Indian Penal Code and Section 4 of
the POCSO Act.

Allegation is against other two persons to be involved
with Shahnawaj at the time of occurrence. Allegation against the
petitioner in the FIR is that he was watching everything from a



distance.

Submission is that allegation of commission of rape is direct against co-accused Shahnawaj. The trial of Shahnawaj resulted in acquittal vide judgment at Annexure-3 for the reason that the victim did not support that any rape was committed against her.

Considering the entire facts aforesaid and no criminal antecedent of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Mahila P.S. Case No.10 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.



(c) The petitioner shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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