

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38508 of 2020

**Arising out of P.S. Case No. 32, year- 2020, Thana Bettia Town, District
West Champaran**

Md. Aamir Arafat alias Md. Shekhu @ Md. Arafad, Male, aged about 45 years, S/O Late Md. Sami, R/O Ganj No. 2, P.O. and P.S.- Bettiah Town and District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rehana Khatoon, wife of Late Shabbir Alam, resident of Mohalla Dwar
Devi Chowk, P.O. and P.S. Bettiah Town and District West Champaran

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haider, Adv.

For the Opp. Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Hear ' ' ' ' Counsel for the petitioner and Shri



Atul Chandra, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No. 32 of 2020 for the offence punishable under sections 354, 354(B), 504 and 506 of the Indian Penal Code and Section 8 of POCSO Act.

The allegation is regarding the petitioner having forcibly taken the victim girl aged about 10 years to his chicken shop, where he started teasing her with bad intentions, however, when the victim girl began crying, the nearby people came and rescued her and then she was taken to her family members.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that on account of land dispute, the petitioner has been falsely implicated in the present case and in fact no witness has signed the FIR in support of the contents thereof. It is also submitted that the statement of the victim has not been recorded, which demonstrates that a false case has been filed against the petitioner.

Per contra, the learned APP appearing for the State, Shri Atul Chandra, has vehemently opposed the prayer for anticipatory bail of the petitioner.



Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties as also taking into account the materials available on record and considering the nature of offence alleged to have been committed by the petitioner, though I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however, subject to certain conditions, in order to seek good behaviour of the petitioner in future.

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum- A.D.J. VI, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 32 of 2020, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

It is further directed that the petitioner would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week till the charges are framed in the present case by the Ld. Court below and in the event of his failure on two consecutive occasions to

dance, the present privilege of



anticipatory bail being extended to the petitioner herein shall stand revoked automatically and the petitioner shall liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

Tiwary/-

