

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.720 of 2020

Arising Out of PS. Case No.-67 Year-2019 Thana- HASANGANJ District- Katihar

Sk. Jakir @ Shekh Jakir aged about 51 years, Son of Gafoor, Resident of
Village - Kharbanna, P.S.- Hasanganj, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad
For the Informant	:	Mr.Md. Musowir
For the State	:	Mr. Anand Kishore Chaudhary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 28-10-2021 Heard learned counsel Mr. Bhola Prasad, appearing
on behalf of the petitioner, learned counsel Md. Musowir,
appearing on behalf of the informant and learned APP Mr.
Anand Kishore Chaudhary, appearing on behalf of the State.

The present petition under Section 438 of the Cr.P.C.
is for anticipatory bail to the petitioner in connection with
Hasanganj P.S. Case No. 67 of 2019 registered under Sections
376 and 313 of the Indian Penal Code.

The case of the prosecution, in short, is that the
petitioner sexually exploited the informant Ruby Khatoon for
five years on the pretext of marriage and when she became
pregnant then he assured that he will marry. In the meanwhile,
the petitioner gave him medicine for abortion. The petitioner



refused to marry with the informant. In this regard, a Panchayati was held and the petitioner accepted his guilt, but, later on, he refused to marry with the informant and, thereafter, another Panchayati was held but he denied to marry with the informant.

Learned counsel appearing on behalf of the petitioner submits that the allegation made in the F.I.R is totally concocted and just to harass the petitioner, who is brother-in-law (Nandosi) of the informant. Learned counsel further submits that there is no definite finding of abortion in medical report. The statement of the informant under Section 164 Cr.P.C. also do not substantiate the allegation made in the F.I.R. She has also stated that she had extra marital affairs with the petitioner. Learned counsel further submits that the medical report of Sadar Hospital, Katihar also do not substantiate that she was sexually abused by the petitioner.

Learned counsel appearing on behalf of the O.P. No. 2, vehemently opposed the prayer for grant of anticipatory bail to the petitioner and learned APP has also supported and has prayed that petitioner is guilty of the offence as alleged in the F.I.R.

On perusal of paragraphs 9, 10 and 18 of the case diary as well as the medical report (annexure-2) to the petition it



is clear that upon medical examination of the informant, doctor has not found any injury on her body or around her private part. The allegation of abortion has also not been supported in the medical report.

Considering the facts and circumstances of the case, this Court is of the opinion to grant anticipatory bail to the petitioner. Let the petitioner above named be released on anticipatory bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Katihar in connection with Hasanganj P.S. Case No. 67 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J)

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