

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5253 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- GHORASAHAN District- East
Champaran

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DILSHAD MIYAN Son of Safi Miyan Resident of Village - Kodarkat, P.s.-
Ghorasahan (Jitna), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
323, 324, 325, 326, 354(A), (B), 379, 504/34, 376 of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3 and 4 of
the POCSO Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that her minor daughter, aged
about 14 years, had gone out for grazing buffalo when the
accused committed sexual assault upon her and thereafter it is



alleged that brutal attack, firing and theft was committed by the accused persons including the petitioner upon the informant and her husband.

Learned counsel for the petitioner submits that the present FIR arises out of a complaint. It is further submitted that the informant is own aunt of the petitioner and, as such, her daughter is his cousin sister but the relationship has been concealed, which creates doubt with regard to the veracity of the allegation and also the fact that as to why initially a complaint case was filed. It is next submitted that there is a dispute between the family with respect to drain on account of which an altercation had taken place but the informant out of anger, ill-will and vengeance instituted the present false complaint from which the present FIR arises.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ghorasahan (Jitna) P.S. Case No. 122 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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