

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23059 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- MAHILA P.S. District- Araria

MD. TABARAK S/o- Shaukat Resident of Village- Damahaili, Ward No. 3,
P.S. and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 06-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in Araria Mahila P.S. Case No. 77 of 2020 registered for the offences punishable under Section 354(A), 354(D)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Prosecution case relates to outrage the modesty of the informant, namely, Shiama aged about ten years.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case and



the FIR has been lodged after much delay.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

After considering the facts and circumstances of the case that the victim, namely, Shiama is aged about ten years, who is tender in age but the offence is very heinous in nature, as such, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is rejected.

However, the petitioner is directed to surrender before the court below and pray for regular bail which may be considered by the court below without being prejudiced by this order.

(Sunil Kumar Panwar, J)

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