

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25713 of 2021**

Arising Out of PS. Case No.-157 Year-2019 Thana- MAHILA P.S. District- Araria

Masood @ Md. Masood S/O Arif R/O Village-Baturbari, Police Station-Tarabari, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 03-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State through virtual mode.

The petitioner is apprehending his arrest in Araria Mahila P.S. Case No. 157 of 2019 registered under Sections 376, 341, 323, 504, 506/34 of the Indian Penal Code and 4 of the POCSO Act.

Allegedly, on the assurance of solemnization of



marriage, the petitioner established physical relationship with the victim and later on, he refused to do so.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. As per prosecution case, the informant was subjected to rape six months prior to the institution of the present case. A petition has been filed by the informant in the court below wherein she has retracted from her earlier statement made in the FIR and stated that she does not want to pursue this case further. From perusal of the petition filed by the informant, the prosecution case appears to be doubtful. The said petition has been annexed with the present application.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-VIth-cum-Special Judge (POCSO), Araria in connection with Araria Mahila P.S. Case No. 157 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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