

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25285 of 2021

Arising Out of PS. Case No.-184 Year-2018 Thana- AMAUR District- Purnia

Md. Rabbani @ Md. Ghulam Rabbani S/O Md. Mustaq R/O Village Kochka,
Kishanpur Tola, P. S. Amour District Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan

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 Amour P.S.
Case No.184 of 2018 registered under Section 376 of the Indian
Penal Code and 4 of POCSO Act.

Allegedly, the petitioner committed rape upon the
complainant in her house.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. 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. Initially, a complaint was filed by the complainant/victim which was later on, forwarded to the police station concerned u/S 156(3) Cr.P.C. for institution of F.I.R. and the present FIR has been instituted. The date of occurrence is said to be 13-07-2018 and the case was instituted on 04-08-2018 without approaching to the police station. The police after investigation submitted charge sheet under Sections-324 & 451 of the Indian Penal Code. The investigating officer disbelieved the allegation of commission of rape in the light of the evidence. There is no medical examination report of the victim in support of the allegation made in the complaint case. The court below has differed with the police report and took cognizance of the offence under Section-376 & other allied sections of the Indian Penal Code. Hence, the present application has been filed.

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 fact that in course of investigation, the allegation of commission of rape was found to be false, for the purpose of bail, 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-VII-cum-Special Judge, (POCSO), Purnea in connection with Amour P.S. Case No. 184 of 2018 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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