

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39355 of 2021**

Arising Out of PS. Case No.-34 Year-2020 Thana- MAHILA P.S. District- Sheikhpura

S.M. WASIM ZAIDI @ NAIYAR Son of Md. Kalim Khan Resident of
Village- Dhankaul, P.S.- Arari, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda
For the Opposite Party/s	:	Mr. Surendra Prasad Singh
	:	Mr. Wasi Akhtar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 08-04-2022 Heard learned counsel for the parties through virtual court proceedings.

The petitioner apprehends his arrest in Sheikhpoura Mahila P.S. Case No.34 of 2020 (POCSO Case No.21/2020), registered for the offences punishable under Sections 341, 323, 376, 504 and 34 of the Indian Penal Code and Sections 4/8 of the POCSO Act.

The petitioner is said to have committed rape upon the daughter of the informant on the pretext of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that according to the Medical Board, the victim is major. The age of the victim girl is



assessed by the Medical Board as 19-20 years. The medical report also shows that there is no sexual harassment upon the victim girl.

Learned APP for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner by submitting that this is not fit case for grant of anticipatory bail and in the impugned order, it is mentioned that there is sexual intercourse between the petitioner and the victim girl.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, the petitioner is directed to surrender before the learned court below within a period of six weeks from today and seek regular and the learned court below shall consider the prayer for regular bail of the petitioner in accordance with law without being prejudiced from the order of this Court.

(Anjani Kumar Sharan, J.)

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