

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44981 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- MAHILA P.S. District- Kishanganj

Sabir Alam @ Sabir Molbi Son of Alimuddin, Resident of Village -  
Kamarkhod Belbari, P.S.- Kodhobari, District - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      16-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), if any, as pointed out by the office,  
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Mahila P.S. Case No. 20 of 2022 registered for  
the alleged offences under Sections 341, 323, 354(B)/34 of the  
Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the minor informant alleged  
that while she went to attend the call of nature, the petitioner  
dragged her and after disrobing her tried to commit rape with  
her. On alarm being raised, her father and uncle caught hold of  
the petitioner and he was thrashed by the co-villagers. A  
*panchayati* was to be held to deliver justice but the family



members of the petitioner did not join the *panchayati* and assaulted the father and uncle of the informant and the petitioner fled away from his house.

The learned counsel for the petitioner submits that the F.I.R. has been registered after three months of the occurrence and this shows the doubtful nature of the case. The petitioner has been falsely implicated in this case as the family members of the informant have constructed a shop on the land of petitioner and some altercation and scuffle taken place between two sides. The father of the petitioner has filed a complaint case bearing No. 156C of 2022 for the occurrence of the same day and this case has been lodged to extract revenge. The learned counsel further submits that the victim girl was not medically examined and allegation of sexual assault remains false. The petitioner is in custody since 13.05.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication and period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, Kishanganj, in connection with Kishanganj Mahila P.S. Case No. 20 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Ashish/-

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