

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66360 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- MAHILA P.S. District- Nalanda

MD. RAHUL Son of Late Jamil @ Late Jamil Marhum Resident of Mohalla -
Konasarai Chandni Kalalipar, P.S. - Laheri, District - Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-01-2022 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.

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

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 323, 394 and 341 of the Indian Penal Code
and 12 of the POCSO Act.

The prosecution allegation, in short, is that the petitioner is
alleged to have sexually harassed the daughter of the informant and
thereafter looted the belongings of the informant.

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 falsely been implicated in the present case. As per the allegation, the petitioner is alleged to have sexually harassed the daughter of the informant and thereafter looted the belongings of the informant. It has been submitted on behalf of the petitioner that the alleged date of occurrence is 4.8.2021 but in respect of that a Complaint Case was filed on 02.09.2021 before the Court below which was subsequently forwarded for institution of F.I.R. under Section 156(3) Cr.P.C. The delay in institution of the F.I.R./complaint has not been explained by the prosecution. There is a case and counter case between the parties. The counter case was instituted under Section 307 and other allied sections of the I.P.C. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner is named in the 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, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned Additional Sessions Judge-VI-cum- Special Judge, POCSO Act, Nalanda at Biharsharif in connection with Mahila P.S. Case No. 105/2021, 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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