

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12279 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- MAHILA P.S. District- Araria

SHAHNBAZ KHAN @ SHAHBAZ @ MD. SHAHBAZ ALAM Son of Md. Jabir @ Md. Jabir Khan Resident of Village- Bhawanipur, Ward No.-2, P.S.- Fulkaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 376/34 of the Indian Penal Code and Sections 6 & 4 of the Protection of Children from Sexual Offences Act (POCSO) Act pending in the learned court below.

As per the prosecution case, the petitioner on the pretext of marriage established physical relationship with the informant but later on the informant came to know that the petitioner is going to marry with another girl. On 18.09.2022 when the informant was sleeping in the courtyard, all the accused persons are said to have tried to kill the informant.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He further submits that the victim has been examined medically by the doctor who opined that there is no sign of fresh assault and the age of the victim is more than 18 years. He relied upon the judgment of the Hon'ble Apex Court passed in the case of '*Pramod Suryabhan Pawar vs. The State of Maharashtra & anr.*'. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the judgment of the Hon'ble Apex Court in the case of '*Pramod Suryabhan Pawar vs. The State of Maharashtra & anr.*', let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Araria (Mahila) P.S. Case No.56/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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