

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19173 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- POTHIA District- Kishanganj

MALEKASTAR SON OF LATE MD. NIZAMUDDIN SAKIN R/O
VILLAGE- DHANTOLA, P.S.- POTHIA, DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-07-2023 1. Heard learned Senior Counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 376, 504 and 506/34 of the Indian Penal Code.
3. Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. The informant alleges that petitioner on the pretext of marriage, committed rape and also posted indecent post on the facebook to malign her character.
5. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the police after threadbare investigation



submitted Final Form No. 49 of 2023 dated 25.02.2023 in favour of the petitioner finding him to be innocent. It is next submitted that on protest the learned trial court took cognizance of the offence based on the same protest petition. Learned Senior Counsel for the petitioner thus submits that when the investigating agency after carrying threadbare investigation came to a considered conclusion that petitioner is innocent and has not committed any offence whether it would be justifiable for this Court to send the petitioner to jail at this stage.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned Senior Counsel for the petitioner that the police after investigation submitted final form in favour of the petitioner finding him innocent.

7. Considering the submissions made by the learned Senior Counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Pothia P.S.
Case No. 265 of 2022, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

8. Learned Senior Counsel for the petitioner, at this
stage, submits that the defect nos. 6(1) and 6(2) shall be
removed during the course of the day.

9. The defect no. 6(3) is ignored.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

