

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21692 of 2023**

Arising Out of PS. Case No.-23 Year-2017 Thana- MAHILA PS District- Katihar

MD. AZIZ Son of Mujibur Rahman R/V- Balughat, PS- Barari Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 323, 504, 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The informant a minor alleges that on 1.05.2017 at about 10:00 AM, she was raped by the petitioner in a Maize field and after raping her, the petitioner fled. It is next alleged that the informant disclosed the said occurrence to her parents, on which her father went to the house of the petitioner where he was abused and assaulted by Mojibur Rahman and Md. Barik.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely



implicated in the present case, it is next submitted that police after threadbare investigation finding the case to be false submitted Final Form in favour of the petitioner, it is further submitted that the date of occurrence on 1.05.2017 and the FIR was instituted on 12.05.2017. It is further submitted that there is dispute between the parties and informant and the petitioner are cousin. It is next submitted that the delay in instituting the FIR was done intentionally as no rape was committed. The learned counsel next submits that the learned Trial Court in a mechanical manner differing with the police report took cognizance after two years and two months. It is further submitted that when one investigating agency after threadbare investigation has found the case to be false, as such, no useful purpose would be served by sending the petitioner to jail.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 23 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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