

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22963 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- MAHILA P.S. District- Purnia

=====

GULAM NAVI Son of Md. Yunus Resident of village - Bishariya, Baniyapatti
Chowk, P.S.- K. Nagar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023 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 Section 376 of the Indian Penal Code and under Section 4 /8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that petitioner raped his minor daughter in his absence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 29.06.2022 and the present complaint came to be instituted on 27.07.2022 i.e. nearly after a delay of more than 28 days. It is further submitted that the complainant has tried to explain the delay on the ground



that the accused had assured that they will decide the case amongst themselves, but when no decision was taken, the complainant had no option but to institute the present case. It is further submitted that falsity of the case also manifest from the fact that F.I.R. was not instituted. It is also submitted that even the injury report does not corroborate the rape.

Learned counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when called by the Investigating Officer of the case for eliciting the truth.

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 and the fact that the complaint case came to be instituted after a great delay, 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. 25,000/- (Rupees Twenty Five 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. 41 of 2022 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

It is also made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court, is not co-operating or is not presenting himself as and when required, the learned Trial Court shall be at liberty to cancel his bail bonds after recording reasons.

Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

Rishabh/-

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

