

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25820 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- RAHIKA District- Madhubani

MD. CHAND BABU @ MD. CHAND @ CHAND S/O ASLAM R/O
Village- Rahika, P.S- Rahika, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Rahika P.S. Case No. 46 of 2022 registered for the offence punishable under Sections 341, 323, 354(B), 379, 308, 504, 506, 34 of the Indian Penal Code and Sections 8/12 of the POCSO Act, 2012.

The petitioner is alleged to have engaged in eve-teasing with the minor daughter of the informant , when she had gone to the field for cutting grass.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the



petitioner has further submitted that the uncle of the petitioner, namely, Md. Shamim Nadaf, has filed an FIR bearing Rahika P.S.Case No. 45 of 2022 against the informant and others, which is first in time and in retaliation thereof, the present case has been filed with false and fabricated allegations. It is further submitted that in fact, no such incident, as alleged, had ever taken place.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case, the case, filed by the uncle of the petitioner, being first in time, apart from the fact that a superficial sort of allegation has been levelled against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Spl. Judge POCSO Court, Madhubani, in connection with Rahika P.S.Case No. 46 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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