

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38689 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- SABAUR District- Bhagalpur

Md. Annu @ Md. Wali Ahmad Son of Late Md. Mokimuddin, Resident of
Village - Rajpur, P.S.- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shive Kumar, Advocate
For the Informant	:	Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.04.2023 in connection with Sabour P.S. Case No. 211 of
2023, F.I.R. dated 13.04.2023 for the offences punishable under
Sections 341, 323, 354(B),(C),(D), 34 of the Indian Penal Code
and Section 8 of POCSO Act.

3. According to prosecution case, as per written report
of the informant is that on 13.04.2023 at about 5 P.M. a goat has
entered in her house so she went to drive the goat. While she
was returning back the petitioner caught hold her hand and tried
to ravish her modesty. She raised voice upon which one Abu



Sufiyan came there and rescued her but there were scuffle between Abu Sufiyan and the petitioner Md. Annu. Hearing the sound of noise a large number of villagers gathered there and they tried to pacify the situation. It is further been alleged two brothers of Md. Annu, namely, Sidhu and the name of the brother she does not know had also come there. The brothers of Md. Annu namely Sidhu had told her that what will you loose if you sleep one night with him. Taking the advantage of gathering of people the petitioner and his brother succeeded in fleeing away. It is further alleged that about a week ago the accused petitioner had tried to ravish her modesty but anyhow she succeeded in fleeing away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and the present F.I.R. instituted on behalf of Ex-Mukhiya of the village namely, Nisha Tara. He further submits that there is case and counter case and in the medical report of the victim, no injury was found on the person of the victim and thereafter, the confessional statement of the petitioner was recorded in which he has



accepted his guilt in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.04.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient materials available in the case diary to suggest the involvement of the petitioner in the present occurrence and the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has also supported the prosecution version but they fairly submits that there is no injury was found in the medial examination and the petitioner is accused in one case under Section 376 of I.P.C., in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-cum-Special Judge, POCSO, Bhagalpur in connection with Special POCSO Case No.65 of 2023 arising out of Sabour P.S. Case No. 211 of 2023, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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