

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42348 of 2023

Arising Out of PS. Case No.-122 Year-2020 Thana- JAMALPUR District- Munger

MD. SAMIM S/O LATE MD. ALIM R/O Mohalla- Sadar Bazar (Near Kanya Middle School), Jamalpur, P.S- Jamalpur, Distt. Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saifun Nisha W/O Md. Aslam R/O Mohalla- Sadar Bazar (Near Kanya Middle School), Jamalpur, P.S- Jamalpur, Distt.- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 504, 34 of the Indian Penal Code.

3. The informant alleges that petitioner caught her minor daughter with ill intention and when she protested, he assaulted her with a bottle causing injury on head and tore her cloths and when she along with her other daughter went to save her, the petitioner assaulted them also and Imran and Rohit came and abused and assaulted her.

4. Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the statement of the victim recorded under Section 164 CrPC (Annexure 2) to the anticipatory bail application, it would manifest that she has stated that an altercation took place between the victim and the wife of the petitioner for going to the bathroom when it is alleged that the petitioner came and assaulted her. It is next submitted that the police after investigation submitted charge sheet under bailable sections but the learned Trial Court differing with the police report in a mechanical manner took cognizance under the POCSO Act. It is next submitted that since one Investigating Agency has found the case true under bailable Sections, will it be prudent to send the petitioner to jail at this stage.

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

7. 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 Jamalpur P.S.
Case No. 122 of 2020 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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