

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48728 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- CHOUTARWA District- West
Champaran

=====

DANISH @ DHENUSHA MIAN @ DENUSHA MIAN Son of Late Haroon
Mian Resident of village - Murli, P.S.- Chautarwa, District - West champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma,Advocate
For the Opposite Party/s : Mrs.Usha Kumari 1,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. Umesh Chandra Verma, learned counsel

for the petitioner and learned APP for the State through video

conferencing in view of the COVID 19.

The petitioner apprehends his arrest in connection
with Chautarwa P.S. Case No. 195 of 2022 for the offence
registered under Sections 366-A and 34 of the Indian Penal
Code and Section 4/6 of the Protection of Children from Sexual
Offences Act (For brevity, POCSO Act), and 3(1)(r)(s)(w) of the
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities
Act).

As per the FIR, the informant alleged that her
daughter had gone to attend the call of nature but failed to return
and later it came to notice that the petitioner had taken her away.



The others have also been named as his associates. Accordingly, the FIR was lodged.

Learned counsel for the petitioner has taken this Court to the content of the FIR to show that the allegation is that the girl left the home for attending the call of nature on 03.05.2022 whereas the FIR was lodged on 08.05.2022 without any satisfactory explanation of the said delay. Further with the help of paragraph 7, he submitted that the girl after her recovery made statement under Section 161 of the Cr.P.C in which she herself stated that her marriage was solemnized at some other place and as such, she called the petitioner on mobile and thereafter left home with him.

Further, she had made statement that nothing wrong was committed by the petitioner with her. Lastly, Annexure 2, the Medical Report does not show the sign of the recent sexual assault and so far as her age is concerned, the same was sent for opinion before the medical team.

Taking into account the fact that there is inordinate delay in lodging of the FIR, the petitioner do not have any criminal antecedent, the girl upon her recovery made statement that she on her left the place and further she has not attributed anything wrong against the petitioner herein, this Court is



inclined to grant him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-the Special Judge-under POCSO Act, West Champaran in Bettiah in connection with Chautarwa P.S. Case No. 195 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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

