

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50749 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- PUPRI District- Sitamarhi

Akbar Nadaf, Male, aged about 30 years, Son of Kasim Nadaf R/V
Bachharpur, Ps. Pupri, Dist- Sitamarhi Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pupri P.S. Case No. 242 of 2022 dated 22.07.2022, instituted for
the offence punishable under Sections 341, 342, 323, 354(A),
376, 511/34 of the POCSO Act.

3. The prosecution case, in short, is that on
22.07.2022 at about 10 P.M., the informant on hearing crying of
her minor daughter (victim) has gone to her room and found one
accused, namely, Nitish Kumar was trying to commit rape. It is
further alleged that the petitioner was an accomplice in the said
offence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel further submitted that even according to
the F.I.R. neither the offence under Section 376 of the I.P.C. nor
under the POCSO Act is made out against the petitioner. It is



further submitted that there is no specific allegation against the petitioner. It is also submitted that the petitioner has no concern with the co-accused. Petitioner is a co-villager of the informant and due to family dispute as well as village rivalry, the petitioner has been made accused in this case. It is stated that no independent witness has supported the prosecution case. Lastly, it has been submitted that he clean antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six week from today, in connection with Pupri P.S. Case No. 242 of 2022, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – VI-cum- Special Judge (POCSO Act), Sita marhi, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

annpurna/-

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

