

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62832 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA PS District- Jamui

MD. SAHNWAZ ALAM @ Md. Shahnawaj Son of Mohammad Asgar
Resident of village - Paira, P.S- Sono, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Jahan Khatoon W/O Guljar Resident of village- Paira Matihana, P.S- Sono, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 354(B)/ 323, 504, 506, 509/34 of the Indian Penal Code and Section 8 of POCSO Act.

Allegedly, petitioner is said to have developed physical relationship with the informant's minor daughter and took obscene photographs. He also threatened her to upload the same on Social Media. It is further alleged that petitioner has forcefully put *Sindoor* on the head of his daughter and when they went to the house of the petitioner to make complaint



against his conduct, the petitioner's parents and brother threatened her of dire consequences.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the informant with an intention to solemnize the marriage of her daughter with this petitioner filed this false case against him and his family members. He further submits that there is no cogent material found in the case diary regarding the allegation against the petitioner. Neither the statement of the victim under Section 164 Cr.P.C. has been recorded nor any medical examination has been conducted. From the above mentioned facts, it is evident that the allegation against the petitioner is based on wrong and concocted facts. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the material available in the case diary does not support the prosecution case, let the above named petitioner, be released on



bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Jamui Mahila P.S. Case No. 21 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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