

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61171 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- BALRAMPUR District- Katihar

Akalu Son Of Mahfooj @ Md. Mahfuj Resident Of Village- Fatehpur, P.S-
Balrampur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2023 Heard Mr. Kumar Rajdeep, learned counsel
appearing on behalf of the petitioner and Mr. Uday Pratap
Singh, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Balrampur (Telta O.P.) P.S. Case No. 118 of 2022
registered under Sections 341, 323, 354(B), 504, 506/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution story, in brief, is that the accused
person named in the F.I.R. outraged the modesty of the victim
and tried to sexually assault her when she was returning home
from tuition class.

4. Learned senior counsel appearing on behalf of the
petitioner submits that the allegation made in the F.I.R. is not
sustainable against the petitioner. Learned counsel further
submits that the statement of the victim, recorded under Section
164 Cr.P.C, is taken into account and she has made specific



statement that petitioner was standing at the place of occurrence, the main allegation is against petitioner's younger brother, namely, Ajmal Hussain, who is in custody.

5. Learned APP appearing on behalf of the State submits that from of the F.I.R. it appears that the petitioner was involved in commission of offence.

6. Taking into consideration, the nature of allegation made in the F.I.R. as well as statement recorded under Section 164 Cr.P.C. of the victim in which she has stated that petitioner was standing near the place of occurrence and no specific allegation has been made that in any manner he has assaulted that victim.

7. In above view of the matter, I am of the opinion that the petitioner has made out a case to be released on anticipatory bail.

8. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional District & Session Judge-VII-cum-Special Judge, POCSO, Katihar in connection with Balrampur (Telta



O.P.) P.S. Case No. 118 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. This Court do not finds that notices should be issued to the Opposite Party No. 2.

10. The present bail application is disposed of.

(Purnendu Singh, J)

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