

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62670 of 2022
Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S.
District- Araria

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RUSTAM Son of Md. Ayub @ Aijub Resident of Ward No.- 10
Pukhari, P.S.- Simraha, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Araria P.S.
Case No. 21 of 2022 registered for the offences punishable under
Sections 376, 341, 323, 504 and 506 of the Indian Penal Code and
Section 4 of the POCSO Act, pending in the Court of learned VI th
Additional Judge cum Special Judge (POCSO) Araria.

Informant, who is the victim girl has stated in her
written report that the petitioner on the pretext of marriage
committed rape upon her for two years.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He submits that
the allegation levelled against the petitioner is completely false.



He submits that there is ordinate delay of lodging the instant case as allegedly petitioner has outraged the modesty of the informant two years back but at that time no complain was made by the informant. He further submits that there is no criminal antecedent against the petitioner as mentioned in para 3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. He further submits that the statement of the victim under Section 164 of the Cr.P.C. in which she supported the prosecution case. Hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that there is specific overt act against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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