

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64620 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- SARSI District- Purnia

Md. Khurshid Son Of Md. Kadir R/O Village- Masuria, P.S.- Sarsi, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Sarsi P.S. Case No. 163 of 2022 registered for the offences punishable under Sections 448, 341, 323, 376, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the POCSO Act pending in the Court of learned 6th Additional Sessions Judge-cum-Special Judge, (POSCO Act), Purnea.

Allegation against the petitioner is that he has committed rape upon the informant.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.



He submits that the father of the informant (victim) is cousin of the petitioner and he had taken Rs. 30,000/- from the petitioner for opening kirana shop, six months ago on assurance that he will return back the money within three-four months but after passing the time he did not return, then the petitioner demanded his money but instead of returning money, the present case is filed by the informant. The petitioner has got no criminal antecedent as mentioned in para 3 of the bail application.

Learned APP for the State opposes prayer for bail and submits that there is specific overt act against the petitioner. Hence, he does not deserve privilege of bail.

Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner is surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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