

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64503 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- BAKHARI District- Begusarai

Sanjay Khalifa, S/O Late Kailash Khalifa R/O Village- Meer Kalapur, P.S-
Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard Mr. Sunil Kumar Yadav, learned counsel
appearing on behalf of the petitioner and Rajendra Nath Jha,
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bakhri P.S. Case No. 164 of 2022, registered under
Sections 363, 366(A), 372 and 376 of the Indian Penal Code
and Section 4 of the POCSO Act and Sections 3, 4 and 5
Immoral Traffic Prevention Act.

The prosecution case, in brief, is that petitioner and
one co-accused Aslam Khalifa have committed wrong with the
victim.

Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has
falsely been implicated in this case. He further submitted that
similarly situated co-accused Aslam Khalifa @ Bhokarna has



already been released on pre-arrest bail by a co-ordinate Bench of this Court on 15.12.2022 passed in Criminal Miscellaneous No. 50239 of 2022. He further submitted that petitioner has clean antecedent and he is a respectable person of the society. The Police with vested interest has lodged the F.I.R. against the petitioner on the version of the victim, who was not recovered from the alleged place of occurrence.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the rival submission made on behalf of the parties as well as the fact that the victim had jumped from the boundary of the petitioner and, thereafter, she was taken care by the Police officer to whom she had narrated the entire story of commission of wrong with the victim by the petitioner and co-accused Aslam Khalifa. It is admitted that the victim was found near the roadside and the F.I.R. has been lodged by the Police officer. One of the co-accused namely Aslam Khalifa has already been released on pre-arrest bail.

Let the petitioner, above named, be released on 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 Special Judge,
POCSO Act, Begusarai in connection with Bakhri P.S. Case No.
164 of 2022, subject to the condition as laid down under Section
438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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