

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68341 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- BELAGANJ District- Gaya

Md. Arif Khan @ Arif Khan S/o Md. Akhtar Khan @ Akhtar Khan R/O
Village- Samspur, P.S- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Belaganj P.S. Case No.726 of 2022 instituted under under Sections 341, 342, 354(A), 323, 379, 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act lodged on 06.12.2022 by the informant.

3. As per the prosecution story, the allegation is against the informant and as her daughter went towards 'Ahar' to attend the call of nature, the accused persons came, surrounded and thereafter, on the pistol point took her daughter. When she raised alarm, was also assaulted. As the villagers heard scream, the accused persons fled away. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only due to village rivalry, he has been implicated in this case, he do



not have any criminal antecedent.

5. Learned APP on the other hand submits that a grown up man has tried to outrage the modesty of the girl and as such petitioner does not deserve for anticipatory bail.

6. Taking into account the aforesaid fact as also that an F.I.R. has been lodged, he will be facing the trial, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Belaganj P.S. Case No.726 of 2022 to the satisfaction of learned Special Judge, POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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