

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70592 of 2022

Arising Out of PS. Case No.-30 Year-2018 Thana- MAHILA P.S. District- Nawada

Md. Azmat Khan @ Md. Azmat @ Gajju S/O Late Md. Sattar Khan R/O
Mohalla Bari Dargah, Gondapur, P.S- Nawada, District- Nawada, Pin- 805110

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon W/O Marhum Abbas R/O Bhadauni Sharif, P.S- Nawada,
District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Mahila
(Nawada) P.S. Case No. 30 of 2018 registered for the offences
punishable under Sections 376 and 511 of the Indian Penal
Code and Section 8 of the POCOS Act pending in the Court of
learned Special Judge, POCSO Act cum 6th Additional District
and Session Judge, Nawada.

Allegation against the petitioner that he has
outraged the modesty of the younger sister of 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 there is admitted land dispute between the parties. He further submits that the petitioner has got no criminal antecedent as mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposes the prayer for bail and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she had supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that the victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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