

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37869 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MANSAHI District- Katihar

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Fagu Kumar Bhuiya @ Fagu Kumar Son of Bulanga Bhuiya @ Karu Bhuiya
Resident of Village- Hari Prasad , P.S- Mansahi, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Faiz Naseem

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-07-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376 of the
Indian Penal Code & Sections 4/6 of the POCSO Act.
3. The Investigating Officer of the case, in compliance
of the order dated 03.07.2024 is present along with the case
diary.
4. The Investigating Officer of the case at the outset
submits that despite his best endeavour, the informant did not
accede for a medical check-up. It is also submitted that the
informant was requested to provide her date of birth certificate,
if any, on which, she said that she is illiterate. The Investigating
Officer thus submits that in absence of medical check up, it is



difficult to ascertain the age of the victim and the victim is not co-operating in the investigation. It is further submitted that the victim, as per the F.I.R. is a minor, on which, the learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that the informant and petitioner were in love and the informant is a major and i.e. why she is not ready for her medical check-up. It is next submitted that the relationship was purely consensual with no promise of marriage and when the relationship soured, the present false case came to be instituted alleging that informant is a minor. It is next submitted that petitioner will not abscond rather will co-operate in the investigation.

5. The learned APP Mr. Chandra Bhushan Prasad opposes the anticipatory bail application of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Mansahi P.S. Case No.25/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to forthwith cancel the bail bond of the petitioner.

8. The personal appearance of the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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