

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41333 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Purnia

Md. Wasikul @ Pinku Son Of Md. Naimuddin @ Naim Village- Nilbari
Chimni Bazar, Ward No. 33, Ps- Sadar, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Khatoon Wife Of Md. Pinku Alam Village- Karunabari Near Puran Devi
Purnea City, Ps- Purnea, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 26 of 2023 instituted under Sections 376, 354(C), 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case with ulterior motive. The allegation against the petitioner is that earlier the petitioner had made sexual relation with the victim and also prepared video of the same. It is submitted that informant again lodged a false case against the petitioner vide



Sadar P.S. Case No. 911 of 2023 alleging abduction of the victim-girl by the petitioner for marriage which was found false and after investigation the final form was submitted by the Police as mistake of fact. He further submits that the victim was examined by Doctor who estimated her age between 18 to 19 years. The Doctor has not found any forced sexual activity with the victim. The victim filed a petition before the Trial court stating therein that she was major having love affairs with the petitioner and solemnized her marriage with the petitioner according to Muslim Customs and living her peaceful life along with her husband. The said fact has also been stated in her statement recorded under Section 164 Cr. P.C. He also submits that the petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the



learned 6th Additional Sessions Judge cum Special Judge,
POCSO, Purnea or Concerned Trial Court in connection with
Mahila P.S. Case No. 26 of 2023, subject to the conditions laid
down in Section 438(2) of the Code of Criminal Procedure,
1973.

(Sunil Dutta Mishra, J)

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