

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60450 of 2024

Arising Out of PS. Case No.-254 Year-2023 Thana- BARSOI District- Katihar

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Ejaz Alam @ Aijaj Alam @ Aijaj Son of Mohammad Waris Resident of Village - Kadamgachi, P.S.- Barsoi (Sudhani O.P.), District - Katihar, Bihar - 854307.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Islam Son of Late Abid Hussain Resident of Village - Kadamgachi, P.S.- Barsoi (Sudhani), District - Katihar, Bihar - 854307

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 376 and 506 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that in sum and substance the informant alleges that Md. Sarwar Alam raped his daughter. It is submitted that entire family members of



Sarwar Alam have been implicated in the instant case in order to coerce Md. Sarwar Alam into submission. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating the petitioner of the allegations as alleged, but the learned Magistrate differing with the police report took cognizance, hence, petitioner apprehends his arrest.

4. The learned counsel for the petitioner next submits that when one Investigating Agency based on a threadbare investigation has come to a considered conclusion that petitioner is innocent whether it would be prudent for this Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same investigation report which finds the petitioner innocent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail 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 trial court 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 Barsoi (Sudhani O.P.) P.S. Case No. 254 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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