

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65616 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- AAJAM NAGAR District- Katihar

Md. Khatib Alam @ Khatib Alam Son of Late Asad Hussain @ Sheikh Asad Hussain Resident of Village -Gadhbaina (Jogia Tola), P.O. - Siktia, P.S. - Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi Wife of Sopen Rai Resident of Village - Manaikhar, P.S. - Barsoi, District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md Qumrul Hoda
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin
For the Informant	:	Mr. Bimal Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323 and 354(B) of the Indian Penal Code read with Section 4 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is aged about 55 years and the informant alleges that she had purchased the land as described in the FIR from Tauhid Alam, further on 19.12.2023, she along with her minor daughter went to see the land when accused persons came and said that the land belongs to them, on which she replied that she has purchased the land from Tauhid Alam,



thereafter it is alleged that Hasibur Rahman and Aiyub assaulted her and tore her cloths while petitioner and Kaluwa took her daughter in an orchard and disrobed her and tried to commit rape, but on alarm, villagers gathered and the accused fled.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence. It is next submitted that on account of dispute relating to land, the present false case has been instituted by the informant. It is next submitted that the land in dispute belongs to the petitioner and the informant was claiming that she had purchased the same from Tauhid Alam. It is next submitted that the instant FIR arises from a complaint case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not disclose the sale deed by which the informant claims to have purchased the land from Tauhid Alam. It is submitted that petitioner has remained a person with clean antecedent till the age of 55 years and all of a sudden he has been made a criminal with an allegation that he took the daughter of the informant along with Kaluwa in an orchard with an intention to commit rape, but then it is submitted that the said allegation has been made only to give a serious colour to the case on account of dispute relating to land. It is further submitted that petitioner will not abscond rather will co-operate in the



investigation to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that petitioner is aged about 55 years and has remained a person with clean antecedent and that allegations are in realm of allegation.

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 Azamnagar P.S. Case No. 104 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

