

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2443 of 2024

Arising Out of PS. Case No.-709 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Md. Anwar @ Mohammad Anwar Alam Son of Late Barikh, Resident of
Mohala Saharsa Basti, Ward No 33/26, PS- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Sudhir Kumar Thakur, the learned

counsel for the petitioner and Mr. Md. Aslam Ansari, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Saharsa Sadar PS Case No. 709 of 2023, FIR
dated 08.10.2023, registered for the offences punishable under
Sections 376(3) and 506 of the Indian Penal Code read with
Sections 4 and 6 of the POCSO Act.

3. According to prosecution case, one Md. Imtiyaz
was sexually exploiting the minor daughter of the informant due
to which she conceived and the dead fetus was removed by
surgery. It is further alleged that co-accused persons offered the
informant Rs. 10,000/- (rupees ten thousand) and help in the
marriage of her daughter and when she refused the offer, they



threatened her with dire consequences.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that petitioner is father of the co-accused person namely, Md. Imtiyaz @ Chunna. He further submits that upon perusal of the FIR, it appears that there is direct and specific allegation against Md. Imtiyaz @ Chunna, who has committed rape upon the daughter of the informant and the daughter of the informant became pregnant. He lastly submits that as per allegation in the FIR, the petitioner has persuaded the informant to compromise the present case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no direct and specific allegation against him, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-VI Exclusive Special Court, POCSO, Saharsa, where the case is pending in connection with **Saharsa Sadar PS Case No. 709 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(iv) The petitioner shall produce the surrender



certificate of the co-accused namely, Md. Imtiyaz @ Chunna, who happens his son, and if he furnishes the same, then the learned trial Court shall accept the bail bond of the petitioner.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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