

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4899 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- DAGARUA District- Purnia

Dilshad @ Dilsar son of Jiyabul alias Jiyaul village Dubaili Ward no. 5 Thana
Dagarua District Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noman Akhtar S/o Abdul Shakur R/o Dubaili, P.S. - Dagarua, Distt. - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 04-07-2024 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 offence under Sections 147, 148, 149, 323, 376, 379, 354(B), 366(A), 504, 506 of the Indian Penal Code and Section 3 / 4 of the POCSO Act.

3. As per the prosecution case, it is alleged that this petitioner committed rape with the minor girl of the informant.

4. Learned counsel for the petitioner submits that the informant is in habit of filing such cases. Prior to lodging of present complaint, he has also filed a case against this petitioner and others i.e. Dagarua P.S. Case No. 282 of 2021, in which, petitioner has already been granted anticipatory bail by this



Court, vide order annexed as Annexure – 3 to this petition. As a matter of fact, there was love-affair between the daughter of informant and this petitioner. In the medical report (Annexure - 4), no evidence of sexual assault was found on the victim and the age of the victim has been assessed between 18 – 20 years. There is delay of two & half months in lodging the present case.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII-cum-Special Judge (POCSO), Purnea in connection with Dagarua P.S. Case No. 104 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J.)

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