

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1851 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- JALALGARH District- Purnia

Md. Arman @ Arman S/o Karim @ Md. Karim R/o Village- Rahariya, P.S.-
Jalalgarh, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Md Fazle Karim, the learned counsel for
the petitioner, the learned counsel for the informant and Mr.
Yogendra Kumar Singh, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Jalalgarh PS Case No. 174 of 2023, FIR dated
12.09.2023, registered for the offences punishable under Section
376 of the Indian Penal Code and under Section 3/4 of POCSO
Act.

3. According to prosecution case, the petitioner
committed rape upon the informant under the pretext of
solemnizing marriage with her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation levelled in the FIR is false and fabricated and he has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR/Complaint petition it appears that the date of occurrence as alleged in the FIR is 05.08.2022, but the present complaint petition has been filed on 11.08.2023 and the same was forwarded to the SHO, Jalalgarh under Section 156(3) of Cr.P.C. and on that basis the present FIR has been instituted on 12.09.2023. He lastly submits that in fact, the victim is the cousin sister of the petitioner and the medical report also does not support the allegation levelled in the FIR.

5. The learned counsel for the informant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in the statement of the victim recorded under Section 164 of Cr.P.C., she has stated that the petitioner has committed rape upon her and with regard to the delay in lodging of the present case, he submits that the petitioner has assured that he shall perform marriage with the victim and on that ground the present case has been lodged after delay of one year.



6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is delay of one year in lodging the present case and also the fact that medical report does not support the allegation levelled in the FIR, 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Purnea, where the case is pending in connection with **Jalalgarh PS Case No. 174 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.

(Rajesh Kumar Verma, J)

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