

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34054 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

Md. Sarbar Son of Late Md. Shahid Resident of Village- West Gharari, P.S.-
Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Informant D/o- Moin @ Bholi R/o- Osmanpur Tola Kharik Bazar Ps- Kharik
Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 07-02-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Naugachhia (Mahila) P.S. Case No. 37 of 2023, registered for the offences punishable under Sections 376(D)/34 of the Indian Penal Code and 4 of the POCSO Act.

3. As per allegation, on the pretext of marriage, co-accused Md. Sonu sexually exploited the informant/victim. Further, it is alleged that on 26.08.2023 at about 2.30 pm, co-accused Md. Sonu called the victim near Lagdaha Road where the accused persons including the petitioner were already present. Thereafter, co-accused Md. Sonu called the victim in a garden and started making physical relation with her but in the meantime, some persons gathered there and the victim narrated the whole incident to



them. Further, co-accused Md. Sonu refused to marry her.

4. The learned counsel for the petitioner has submitted that he is innocent and has falsely been implicated in this case. There is no allegation against him of teasing the victim or to commit misbehave with her. The victim, in her statement under Section 164 of the Cr.P.C., didn't make any kind of allegation against the petitioner. He has also submitted that co-accused Md. Sonu has been granted regular bail by this Court vide order dated 12.08.2024 in Cr. Misc. No. 4581 of 2024.

5. On the other hand, the learned APP for the State Sri Shailendra Kumar has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, 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 learned A.D.J.-7th-cum-Special Judge POCSO Court, Bhagalpur in connection with Naugachhia (Mahila) P.S. Case No. 37 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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