

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69485 of 2024

Arising Out of PS. Case No.-523 Year-2024 Thana- SIKARPUR District- West Champaran

Arbaj Sarif @ Arbaj Sharif Son of Navaj Sarif R/O- Village- Chhota
Badhnihar, Ward No. 4, P.S.-Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O- Late Suresh Ram R/O- Village- Chhota Badhnihar, Ward No. 4, P.S.-
Shikarpur, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing on behalf of the

informant/opposite party no. 2.

2. In the present case, the petitioner seeks bail in
connection with Shikarpur P.S. Case No. 523 of 2024, registered
for the alleged offences under Sections 329(2), 126(2), 115, 76,
352, 351(2), 3(5) of B.N.S., 2023, Sections 8/12 of POCSO Act
and Sections 3(1)(i), 3(1)(r), 3(1)(s) of SC/ST (Prevention of
Atrocities) Act.

3. As per prosecution case, the petitioner entered into
the house of the informant in dead of night and tried to commit
rape with the minor informant. When the family members of the



informant went to the house of the petitioner to scold him, the petitioner and his family members used abusive language taking caste name of the informant and drove them out.

4. Learned counsel for the petitioner submits that the case appears to be false and concocted as it is not believable that while the informant had been sleeping, she could know how the petitioner entered into her house and in the night she identified the petitioner. It is also very surprising that the petitioner would be knowing that the sister-in-law of the informant had gone to give water to her husband in the dead night. Learned counsel thus submits that the story is not believable. Learned counsel further submits that it is also surprising that the petitioner was not caught in the house if he went inside and had been trying to force himself upon the informant. Learned counsel next submits that the petitioner never entered into the house of the informant and never committed any sexual act with the informant. Learned counsel further submits that the family members of the informant and the petitioner have come to a compromise. The petitioner is in custody since 27.07.2024 and charge sheet has been submitted. The petitioner is having no criminal antecedent.

5. Learned APP opposes the submission made on



behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he entered into the house of the informant and tried to commit rape with the minor informant. However, learned counsel appearing on behalf of the informant/opposite party no. 2 submits that the present case has been filed under some misconception and parties have arrived at some compromise.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds 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, West Champaran, Bettiah/concerned Court in connection with Shikarpur P.S. Case No. 523 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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