

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72376 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- MAHILA PS District- Buxar

Md. Arbaz Khan @ Md. Arbaz @ Arbaz Khan S/o Md Salim Miya @ Salim
Miya R/O- Chunni P.S- Buxar Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr.X R/O Vill- Chunni, Ps-Buxar, Distt- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam

For the Opposite Party/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-03-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
354(B), 504, 506, 34 of the Indian Penal Code & Section 8 of
the POCSO Act and Section 3(i)(r)(s)(w)(i)(ii)/3(2)(va) of the
SC/ST Act.
3. Learned counsel for the petitioner submits that the
informant alleges that on 13.03.2024 at 2.00 P.M. she had gone
to the field of Shiv Ji Rajbhar for bringing grass, when the
petitioner along with Hukumar intercepted her and started
taking her forcibly for committing an immoral act and started



pressing her inappropriately, on which, she raised an alarm, when her mother came, hence the accused persons fled away, thereafter it is alleged that in the evening her mother went to the house of petitioner and informed them about the occurrence when she was abused and assaulted.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner is a young boy, aged about 19 years and is a person with clean antecedent. It is next submitted that even the allegation does not inspire confidence for the reason that the occurrence is alleged to have taken place at 2.00 P.M. when the villagers generally are working in the field. It is further submitted that even the F.I.R. came to be instituted after a delay of more than five days i.e. the date of occurrence is 13.03.2024 and the F.I.R. came to be instituted on 19.03.2024. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that prima facie no offence under the SC/ST Act is made out as the occurrence of abuse and assault was not committed in public view nor the F.I.R. even remotely suggest that the mother of the informant was abused by taking caste name. It is further submitted that petitioner sell chicken and



there was dispute in between him and the mother of the informant on account of which the instant F.I.R. came to be instituted. It is also submitted that if the mother of the informant could go to the house of petitioner for complaining then why no F.I.R. came to be instituted instantly, which casts an aspersion on the case of the prosecution. It is also submitted that petitioner is a young boy and in the event if he is sent to judicial custody in the nature of allegation as alleged, his entire career would get jeopardised and chances are bright that he may come in contact with hardened criminal. It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that there was a delay in instituting the instant F.I.R.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Buxar Mahila P.S. Case No.21/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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