

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.152 of 2022**

Arising Out of PS. Case No.-64 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Nazam, Son of Md. Ahmad, Resident of Village - Narayanpatti, P.S. -
Rajnagar, District - Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Pravin Khatoon, Daughter of Md. Ahmad, Resident of Narayanpatti, P.S. -
Rajnagar, District - Madhubani.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 27-01-2026 During covid-19 pandemic period physical copy of

the petition was not being filed in the registry, in view of

undertaking of learned counsel appearing for the petitioner

that he undertakes to file a hard copy of the entire petition

within ten days before the registry, accordingly, the defects

pointed out by the office are ignored for the present.

2. The present anticipatory bail petition is pending

since 2022.

3. The accused/petitioner is named in the complaint

and apprehending his arrest in connection with C.R. Case

No.64 of 2019 in which cognizance has been taken for the



offences punishable 341, 323, 354, 376, 511 of the Indian Penal Code as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

4. As per complaint petition, the petitioner alleged to made an attempt to commit rape upon complainant aged about 15 years on 27.07.2019 at about 4.30 p.m. while she was alone in her home.

5. It is submitted by learned counsel appearing for petitioner that for the occurrence dated 27.07.2019, the present complaint was lodged on 30.07.2019, where the contents of complaint not appears supported on affidavit by completely ignoring the legal ratio as available through **Priyanka Srivastava vs. State of Uttar Pradesh [(2015) 6 SCC 287]**. It is submitted that due to local village related issues and differences, the present false complaint case was lodged. In support of his submission, learned counsel has drawn attention of this Court that prior to lodging this complaint by informant/victim herself, her father lodged a police case against petitioner, which was lodged as Rajnagar P.S. Case No.403 of 2018 registered under



Sections 363 and 366A read with 34 of the Indian Penal Code, with general and omnibus allegation.

5. Learned APP for the State while opposing the prayer of bail submitted that the allegation is specific against this petitioner.

6. Mr. Subhash Kumar Jha, learned counsel appearing for complainant/O.P. No.2 failed to join the present proceeding on repeated calls.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* the allegation raised through complaint without affidavit in support, as discussed aforesaid, coupled with the fact that the petitioner appears in litigating terms with father of the informant much prior to this occurrence, as discussed aforesaid, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge



(POCSO), Madhubani in connection with C.R. Case No.64 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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