

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18896 of 2016

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Mokim Son of Md. Jamil, resident of Village- Paktola, Tola Bareba,
P.S. and District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Section 376 of the Indian Penal Code

and Section 4/6 of POCSO Act.

Petitioner is said to have committed rape on the

informant who was minor at the time of alleged occurrence but

informant has admitted in her ferdbeyan that prior to the alleged

date of occurrence, she had been subjected to sexual assault by the

petitioner on the assurance of marriage.

Learned counsel for the petitioner submits that after

institution of the present case a Panchayati was held and in the

aforesaid Panchayati, the informant admitted that she was in love with the petitioner but she lodged the present case at the instigation of her uncle. It is further submitted that moreover, the informant has already solemnized her marriage with the petitioner.

Learned counsel appearing for the informant seconded the above stated submission.

Moreover, it would appear that petitioner is in jail custody since 11.04.2015 and except the investigating officer and doctor, almost all the prosecution witnesses have already been examined.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner 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 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 04 of 2015 (POCSO) arising out of Araria Mahila P.S. Case No. 13 of 2015.

(Hemant Kumar Srivastava, J)

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