

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31388 of 2016**

Arising Out of PS.Case No. -48 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Md. Salman @ Raj, Son of Md. Firoj, resident of village - Habibpur, P.S.  
Habibpur, Distt. - Bhagalpur

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Pravin Kumar Sinha

For the Opposite Party : Mr. Sri Arun Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      09-09-2016                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner seeks bail in connection with Tatarpur  
P.S Case No. 48 of 2015 (G.R. Case No. 1158 of 2016) registered  
for the offences punishable under Section 376 of the Indian Penal  
Code and under section 4 of POCSO Act.

Allegedly, the petitioner committed rape forcibly  
with the victim informant causing bleeding.

Submission is of false implication and that the  
petitioner has made victim of the circumstances. No spermatozoa  
was found. Victim has been examined under section 164 Cr.P.C.  
but she has not stated the name of the petitioner. From the  
statement recorded under section 164 Cr.P.C. no offence as

alleged is made out and, as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes.

In the facts and circumstances stated above, considering that the victim in her statement recorded under section 164 Cr.P.C. has not stated the name of the petitioner and further she stated that the house where she was taken away was of that boy whereas in the F.I.R. it is stated that the house was under construction and that was of Md. Guddu, and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge, Bhagalpur, in connection with Tatarpur P.S. Case No. 48 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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