

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32729 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

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1. Md. Nishar Son of Md. Munir Resident of Village Ratwara Chandan, P.S. Saraiya, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Smt. Asha Devi, APP
For the informant : Mr. Sanjay Parabmani, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 20-08-2016 The petitioner is permitted to make necessary correction in paragraph no. 15 of the petition.

Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Saraiya P. S. Case No. 01 of 2015 registered for the offences under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 8 and 9 of POCSO Act.

As per the allegation, a complaint case has been filed by the informant. The informant along with her husband engaged in harvesting paddy crops, suddenly, all the F.I.R. named accused persons alongwith petitioner came there and they started assaulting her husband and they also looted away the crops. On that account, the written complaint has been given to the local police by her husband and on the same day,

they entered into the house of the informant, assaulted her and her husband and also misbehaved with the girl of the complainant, who is hardly 15 years of age.

Learned counsel for the petitioner submits that the mother of the petitioner filed a complaint case under Section 498A of the Indian Penal Code against the father of the petitioner. On retaliation, the father of the petitioner lodged a case in which, petitioner is also one of the accused with other family members. After granting bail, the father of the petitioner in connivance with his Bhabhi, the present case has been lodged after creation of false and concocted story and so much so that in the Nikahnama, the age of the girl has been shown to be 19 years.

In such view of the matter, 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 the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Muzaffarpur, in connection with Trial No. 52 of 2015 arising out of Saraiya P.S. Case No. 01 of 2015.

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(Shivaji Pandey, J)

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