

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38033 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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Manzoor @ Mansoor @ Md. Manzoor @ Mansul, S/o late Mainuddin,
Resident of Village- Baghdogra, P.S- Balrampur, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the Opposite Party : Mr. Sri Binod Kumar 2 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-10-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Balrampur. P.S Case No. 123 of 2015 registered for the offences
punishable under Sections 323, 325, 376 of the Indian Penal Code
and Section 4 POCSO Act.

Allegedly, the petitioner committed rape with the
complainant/informant when she had gone to attend the call of
nature in the mango orchard, at the point of knife and caused
threats not to disclose the occurrence before her parents thereafter
the petitioner assured her that he will marry with her in future and
thereafter he continuously committed rape in the said mango
orchard and bamboo clumps, under the assurance of marriage, but
he did not marry.

Submission is of false implication and that complaint case has been lodged after delay of one month and ten days, medical evidence does not confirms the act of rape, no spermatozoa was found and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 16.03.2016.

The learned A.P.P. opposes prayer of bail by submitting that the Doctor has reported that she has been used for sexual intercourse and her age has been found 16-17 years, so the petitioner committed heinous crime with minor girl.

In the facts and circumstances stated above, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the petitioner may renew his prayer for bail after examination of the informant/victim during trial.

The learned trial Court shall take all positive steps to examine the informant/victim within four months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J.)

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