

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15623 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -SIMRI District- DARBHANGA

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1. Shamim Ahmad @ Munshi Son of Late Abdul Gafoor R/o Village
Birdipur, P.s. Simri, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shama Sinha

For the Opposite Party/s Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 19.04.2016 Supplementary affidavit is filed on behalf of the petitioner.

Heard learned counsel for the petitioner, learned Addl.
Public Prosecutor for the State as well as learned counsel for the
informant.

Petitioner is in jail custody since 19.2.2016 in a case
registered under sections 376, 511 of the Indian Penal Code as well as
section 10 of the POCSO Act.

Petitioner is said to have attempted to commit rape on 8
years old girl.

The contention on behalf of the petitioner is that the
petitioner is next door neighbour of the informant and, as a matter of
fact, on the alleged date of occurrence the petitioner had gone to take
some medicines and one Dr. Irfan who happens to be own uncle of the
victim, gave some expiry medicines. Subsequently, son of the
petitioner disclosed that the aforesaid medicines had already been



expired and thereafter, when the petitioner made complain to Dr. Irfan, aforesaid Dr. Irfan along with some others came at the house of the petitioner and started assaulting the petitioner levelling false allegation and thereafter, aforesaid Dr. Irfan set up the informant and got instituted the present case. It is further submitted that son of the petitioner lodged Simri P.S. case no 17/2016 after the above stated occurrence and the police after investigation found Simri P.S. case no 17/2016 true.

On the other hand, learned counsel for the informant opposed the prayer submitting that Simri P.S. case no 17/2016 has been brought by son of the petitioner with an intent to save the skin of his father and, as a matter of fact, no such occurrence, as alleged in Simri P.S. case no 17/2016, did ever take place.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that both parties being neighbours have levelled allegation against each other, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I-cum- Special Judge, POCSO Act, Darbhanga in Simri P.S. Case no. 16/2016.

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(Hemant Kumar Srivastava,J)

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