

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34063 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -BALIA District- BEGUSARAI

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Md. Amzad @ Md. Amjad, Son of Md. Zainul Abedin, resident of Village
Katahri, P.S. Dandari, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abul Kalam

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 17-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Ballia
P.S. Case No. 51 of 2016, registered under Sections 341, 342,
323 & 376 of the Indian Penal Code and Section 3 / 4 of the
Protection of Children from Sexual Offences Act, 2012.

The accusation is of committing rape twice upon the
victim, daughter of the informant, by this petitioner.

Learned counsel for the petitioner submits that while
the victim has supported the case of prosecution in the statement
recorded under section 164 of the Cr.P.C., but in the medical
examination, neither spermatozoa nor any injury was found on
the private part of the victim and hymen was intact. Further
submission is that the petitioner is the co-villager of the

informant and due to grudge and enmity, he has falsely been implicated in this case. Further submission is that petitioner having no criminal antecedent is in custody since 05.03.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-I-cum- Special Judge POCSO Act, Begusarai in connection with Ballia P.S. Case No. 51 of 2016 (POCSO Case No. 06 of 2016). Out of two sureties, one surety must be the parents/close relative of the petitioner, who will file an affidavit showing his relation with the petitioner.

(Rajendra Kumar Mishra, J.)

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