

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31316 of 2016

Arising Out of PS.Case No. -252 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

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Wasim Ansari @ Md. Wasim Ansari son of Md. Shamim Ansari resident of
Village- Teugna, Police Station- Simri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh

For the Opposite Party/s : Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with G.R. No. 04 of 2016, arising out of Bahadurpur P.S. Case
No. 252 of 2015 for the offences instituted under Sections
366(A)/376 of the Indian Penal Code and Section 4 of POCSO
Act.

The allegation against the petitioner is of committing
rape upon the victim, after kidnapping her.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to this application with observation 'at
this stage'. In the light of the said observation, the present
application has been preferred on behalf of the petitioner.

A report was called for from the trial court. The same

is at Flat 'A'.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.07.2015. The charge has been framed in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The victim is said to have been raped on 21.07.2015, the statement was recorded on 28.07.2015. The medical examination held on 29.07.2015. There is no external injury found on the victim and the age has been assessed as 17 to 18 years. The doctor has found no evidence to suggest the commission of recent intercourse with or without her consent.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Darbhanga, in connection with G.R. No. 04 of 2016, arising out of Bahadurpur P.S. Case No. 252 of 2015.

(Sudhir Singh, J.)

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