

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1465 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA THANA District- BEGUSARAI

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Md. Naushad, son of Late Shubhan, resident of village-Satti Chaura, P.S. Ballia, District-Begusarai.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate,
For the State : Mr. Sanjay Kumar Singh, A.P.P.
For the Informant : Mr. Sandip Kumar Gautam, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 17-01-2017 Heard learned counsel for the petitioner, learned A.P.P.

for the State and also the learned counsel for the informant.

The petitioner seeks bail in connection with Begusarai Mahila P.S. Case No.45 of 2016 and POCSO Case No.59 of 2016 registered under Sections 376 and 511 of the Indian Penal Code besides Section 8 of the POCSO Act.

The accusation is that on 18.09.2016 at about 09.30 P.M., when the minor daughter of the informant, moved from the house to attend the marriage function, then his villager Md. Amjad carried her forcibly to an orchard and committed rape on her in which the minor daughter of the informant became unconscious and came to her house on regaining consciousness. At about 10.30 P.M., on the same day, the informant alongwith his minor



daughter went to the police station but the gate of the police station was locked and one constable present there asked him to come on the next day. Thereafter, the informant again alongwith his family members and minor daughter went to the police station and informed about the occurrence to the Officer Incharge, Ballia, but he lodged the case only for the offence under Sections 376 and 511 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that it would appear from the F.I.R. that regarding the same occurrence, Ballia P.S. Case No.197 of 2016 under Sections 376 and 511 of the Indian Penal Code was instituted on the basis of the written report of the minor daughter of the informant in which the allegation of attempt to commit rape was made against one Md. Amjad but with an ulterior motive, the informant managed to lodge the present case and to record the statement of his minor daughter under Section 161 of the Code of Criminal Procedure in which she named the petitioner having hand in her inducement to perform the marriage with the co-accused but she, in her statement under Section 164 of the Code of Criminal Procedure, did not disclose the name of the petitioner in any manner.

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
Additional Sessions Judge-I-cum-Special Judge, POCSO,
Begusarai, in connection with Begusarai Mahila P.S. Case No.45
of 2016 and POCSO Case No.59 of 2016.

(Rajendra Kumar Mishra, J)

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