

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4822 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -ANDHRATHARI District- MADHUBANI

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Md. Gayasuddin @ Md. Gayasuddin Ansari @ Bablu @ Tablu, Son of
Iszad Hussain, resident of Village- Jamaila Bazar, P.S.- Andhrathadhi,
District- Madhubani.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

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

ORAL ORDER

2 02-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioner seeks bail in connection with
Andhrathadhi P.S. Case No.106 of 2016/G.R. No.49 of 2016
registered under Section 376 of the Indian Penal Code besides
Sections 3/4 of the POCSO Act.

The accusation of the informant, who claimed herself to
be aged about 14 years, is that before two months in the night,
when she was alone in her house, then this petitioner entered her
house and committed rape on her despite protest made by her,
saying that he will perform marriage with her. Thereafter, the



petitioner made physical relation with her on many occasions. On 02.08.2016 in the evening, when the informant had gone to serve fodder her cow in the house, then this petitioner caught hold of her and started to commit rape on her. In the meantime, the cousin brother of the informant came to the house and started raising alarm, then this petitioner fled away. Thereafter, the informant narrated whole incident to her family members. When the informant and her father moved for the police station, then the villagers stopped them saying to held a panchayati. On 13.08.2016, panchayati was arranged in which the petitioner was found guilty but, anyhow, the petitioner succeeded to flee away from panchayati.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affair in between the informant and the petitioner but physical relation of this petitioner and the informant was seen by the cousin brother of the informant on 02.08.2016, due to that reason, on the pressure of her family members, the informant has lodged this false case. Further submission is that in medical examination, the age of the informant has been assessed in between 16-17 years. The petitioner having no criminal antecedent is in custody since 27.09.2016.



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 1st Additional Sessions Judge, Madhubani, in connection with Andhrathadhi P.S. Case No.106 of 2016/G.R. No.49 of 2016.

(Rajendra Kumar Mishra, J)

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