

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20766 of 2017

Arising Out of PS.Case No. -29 Year- 2016 Thana -MAHILA P.S. District- SITAMARHI

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1. Md. Shakeel @ Ujale Son of Md. Rahmat @ Sonu R/o Village- Inderwa,
P.S. Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sri Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-06-2017 The petitioner seeks regular bail in connection with Mahila P.S. Case No. 29 of 2016, registered for offences punishable under Sections 376, 313, 506 of Indian Penal Code and Section 4 of POCSO Act.

Allegation against the petitioner that he committed rape on the informant on the assurance of marriage and also tried to get the pregnancy of the informant terminated.

It has been submitted on behalf of the petitioner that informant is in the habbit of filing such type of false cases, which will appear from annexure – 2, in which earlier also the informant had filed a complaint petition before the ACJM, Sitamarhi, wherein it has been stated by her that she has married with the petitioner and, thereafter, again she filed a case the petitioner



under Section 376 and 511 of Indian Penal Code and now the present case with similar allegations. It has further been submitted that once the informant admitted that she has married with the petitioner, no case is made out against the above mentioned Sections of Indian Penal Code. It has also been submitted that annexure -4 is the certificate issued by Bihar Madarsa Education Board, from which it clearly appears that she is a major at the time of alleged occurrence, however, she has obtained another certificate from Bihar School Education Board for showing herself to be a minor. All these facts clearly go to show that she is a litigating lady and is in habit of filing false cases. Further petitioner has remained in judicial custody for more than two months.

Heard learned A.P.P. and learned counsel for the informant. They have opposed the prayer for bail. Learned counsel for the informant has submitted that informant was minor at the time of alleged occurrence, as such, the petitioner does not deserve the privilege of bail.

Having heard both sides, in view of the submissions of parties and also considering the facts and circumstances of the case, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand)



with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Sitamarhi, in connection with Mahila P.S. Case No. 29 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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