

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50301 of 2017

=====

MD. ZUBAIR @ MD. JUBER, son of Muddan, Resident of Village-
Nikhara, Police Station- Kadwa, District- Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Arbind Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-11-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Mahila P.S.Case No. 87 of 2016, G.R.No. 3179 of 2016, registered for the offences punishable under Sections 376, 506/34 of the Indian Penal Code and 4 of POCSO Act.

Allegation against the petitioner is of committing rape continuously on the informant on assurance of marriage and later on she became pregnant and petitioner refused to marry her.

Submission of learned counsel for the petitioner is that no such occurrence has taken place and even the allegation is accepted to be true on the face value it is clear that she was consenting party and further medical evidence shows that she was aged 18-19 years at the time of occurrence and he is in custody since 10.1.2017.



Heard learned APP also, who has opposed the prayer for bail.

Having heard both sides and in view of allegation. I am not inclined to grant bail to the petitioner.

However, this application is disposed of with a direction to learned trial court to examine the authenticity of submission as above and if it is so learned trial court will release the petitioner on bail to its own satisfaction on the condition that petitioner will co-operate in trial, otherwise learned trial court will be at liberty to pass any order(s) as he may deem fit and proper.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

