

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30125 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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Md. Shahnawaj @ Rahul, Son of Fahim Mian, Resident of Village- Tungi,
P.S.- Hisua, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 06-07-2017 Heard learned counsels for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Nawada Mahila P. S. Case No. 45 of 2016 instituted under Sections 323, 341, 354A, 376 and 504/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The allegation, in brief, is that petitioner used to comment in filthy language while prosecutrix used to go to school and specific allegation is that four months back, she was forcibly taken away by the petitioner in a house and committed rape, thereafter she informed her parents and a Panchayat was held, thereafter this case was lodged.

Learned counsel for the petitioner submits that due to



business rivalry in between the petitioner and the father of the prosecutrix, this false case was lodged after three months of the false allegation of rape and the FIR does not speak of any witness seeing that girl being taking away by this petitioner and as per medical report, prosecutrix is 16 years of age and no any evidence of rape was found by the Medical Board and the petitioner has no criminal antecedent.

Having considered the aforesaid facts and circumstances, let the petitioner, namely, Md. Shahnawaj @ Rahul in the event of arrest or surrender before the court below within four weeks from today, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Nawada in connection with Nawada Mahila P.S.Case No. 45 of 2016; subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Arun Kumar, J)

Sujit/-

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