

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54321 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -GOGRI District- KHAGARIA

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Firoj Alam s/o Md. Soaib @ Suyeb Alam, r/v- Fakrana Tola Gogri, Ward
No. 5, P.S. – Gogri, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Najni Kumari D/o Md. Riyaz, r/v- Fakrana Tola Gogri, Ward No. 6,
P.S.- Gogri, District - Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-02-2017 Heard both sides.

The petitioner seeks bail in Gogri P.S. Case No. 105/2016, registered for the offences punishable under Section 376 and other sections of the Indian Penal Code and Section 18 of P.O.C.S.O. Act.

The victim/complainant filed complaint case on 16.04.2016 alleging therein that on 17.03.2016 when she had gone to attend the call of nature, the petitioner forcibly committed rape with her. On alarm, other persons came, but the petitioner managed to flee away.

Learned counsel for the petitioner submits that the occurrence took place on 17.03.2016, but the complaint petition was filed on 16.04.2016 i.e. after one month of the occurrence.



Panchayati was also held. On the complaint petition filed by the complainant, the present F.I.R. was lodged. The police during the course of investigation took the statement of the witnesses. The witnesses have stated that the petitioner and the victim were in love with each other. Both sides were punished with fine. The Doctor did not find any sign of rape and the age of the victim was assessed between 18-19 years.

The learned A.P.P. however, opposed the prayer for bail of the petitioner.

It appears that the occurrence took place on 16.04.2016, but after one month of the occurrence, the F.I.R. was lodged. During the course of investigation, it has come that the victim and the petitioner were in love with each other.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge Ist-cum-Special Judge, Khagaria in connection with Gogri P.S. Case No. 105/2016.

(Prabhat Kumar Jha, J.)

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