

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17015 of 2017

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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1. Md. Haidar, Son of Md. Salam, Resident of Fakir Tola, Gangjala, Ward
No. 16, P.S. & District- Saharsa. Petitioner/s

Versus

1. The State of Bihar.
2. Sabnam Praveen, daughter of Md. Suleman, resident of Fakir Tola,
Gangjala, Ward No. 16, P.S. & District- Saharsa. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mahila
(Saharsa) P.S. Case No. 12 of 2016 corresponding to POCSO Case
No. 14/16 (S) registered for the offences punishable under
Sections 376, 323 and 506/34 of the Indian Penal Code and
Section 4 of the POCSO Act.

Allegedly, the petitioner committed rape with the
informant and three un-known associates of the petitioner assisted
him. The victim in her statement recorded under Section 164
Cr.P.C. has also supported the allegation of rape against the
petitioner.

Submission is of false implication and that the F.I.R.
has been registered after delay. Case has been registered under the



pressure of uncle of the informant. The victim, after realizing the truth, has filed petition in the court of Spl-judge, POCSO stating therein regarding innocence of the petitioner. The victim/informant in her statement recorded under Section 164 Cr.P.C. has stated her age 20 years so, offence under POCSO Act is not made out. Medical evidence does not support the prosecution version and, as such, the petitioner who is suffering in custody since 19.11.2016, deserves sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that petitioner has committed serious crime.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Mahila (Saharsa) P.S. Case No. 12 of 2016 corresponding to POCSO Case No. 14/16 (S) pending in the Court of learned Addl. Sessions Judge-cum-Special Judge, Saharsa.

However, the petitioner may renew his prayer of bail after examination of the informant during trial.

(Jitendra Mohan Sharma, J)

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