

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37620 of 2017

Arising Out of PS.Case No. -283 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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1. Md. Mangla Son of Late Hakimuddin, R/o Village- Paikwahan, P.S.- Azamnagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 13.06.2017 in connection with Azamnagar P.S. Case No. 283 of 2016, G.R. Case No. 3574 of 2016 for offences punishable under Sections 376, 504/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is that while his daughter Asmati Khatoon, aged 17 years, had gone for natural call in the night, the petitioner committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and just because he is a neighbor and the informant's daughter



was a divorcee, the informant wanted the marriage to be solemnized with her. He submits that the age of victim lady is above 19 years as per medical report and as such no case under the POCSO Act will be made out against him. He further submits that he has no criminal antecedent and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Additional Sessions Judge-I-cum-Special Judge, Katihar, in connection with Azamnagar P.S. Case No. 283 of 2016 being G.R. Case No. 3574 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner.

(Nilu Agrawal, J)

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