

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27451 of 2017

Arising Out of PS.Case No. -242 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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Md. Sarfaraj @ Ujale @ Sarfaraj Ahmad, son of Late Aale Ahmad,
Resident of Village- Harpur Besi, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.05.2017 in connection with Trial No. 18 of 2016 arising out of
Aurai P.S. Case No. 242 of 2014 registered for the offence
punishable under Sections 376, 420, 323, 341, 379, 354/34 of the
Indian Penal Code and later on Section 4 of the POCSO Act has
been added.

The prosecution case, as lodged by the mother of the
victim girl, Khushbu Pravin, is that on the promise of marriage,
petitioner established physical relationship with the daughter of
complainant-informant and when the girl conceived, she was taken



away from her house on the pretext of filling up form for examination and her pregnancy was aborted.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal antecedent. He further submits that the victim girl had also lodged a complaint against the petitioner earlier and there is contradiction in the allegation levelled in the earlier and the present complaint. He further submits that the age of the victim girl has been assessed as 16-17 years by the learned Magistrate and from the contents of the medical examination report, it appears that she is major. It is further submitted that the victim had gone with the petitioner out of her own sweet will and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that there is direct allegation of commission of rape on the victim girl against the petitioner, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction



of the learned 1st Additional Sessions Judge-cum- Special Judge,
POCSO Act, Muzaffarpur in connection with Trial No. 18 of 2016
arising out of Aurai P.S. Case No. 242 of 2014, subject to the
condition that petitioner will appear before the learned Court
below on each and every date and failure to appear before the
learned Court below on three consecutive dates without assigning
any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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