

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35795 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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1. Makhan Choudhary, Son of Surendra Choudhary, resident of Village
Dhobopur Bensara, P.S. Hayaghat, Distt. Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.05.2017 in connection with Hayaghat P.S. Case No. 22/2017,
G.R. Case No. 66/2017 for offences punishable under Sections
363-A, 366-A of the Indian Penal Code and 4, 6, 8 of the POCSO
Act.

The prosecution case, as lodged by the informant, is
that his granddaughter Sabita Kumari, aged 16 years, had gone out
of the house but did not return. He came to know that the
petitioner along with some other persons had taken her away and
when he went to the petitioner's house, his family members



abused and turned him away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the medical report suggest that the victim girl is about 18-19 years of age, hence, she is a major and no case under the POCSO Act is made out. He further submits that the victim girl in her statement under Sections 161 and 164 of the Cr.P.C. has not made any allegation of overt act against the petitioner and the medical report also does not find any trace of rape. It is submitted 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 1st Addl. Sessions Judge cum Special Judge (POCSO Act), Darbhanga, in connection with Hayaghat P.S. Case No. 22/2017, G.R. Case No. 66/2017, subject to the condition that both the



bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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