

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6261 of 2018

Arising Out of PS. Case No.-151 Year-2017 Thana- MAHUA District- Vaishali

Md. Gaffar Son of Md. Baun @ Md. Baun Khelifa, Resident of Village-
Prahladpur, P.S.- Musahri, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. SMT. ANITA KUMARI SINGH

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 28-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in **Mahua P.S. Case No. 151
of 2017** registered for the offence punishable under Section 376
of the Indian Penal Code and Section 4/8 of the POCSO Act.

Informant is the grandmother of victim, who in her
written complaint on 10.06.2017 has stated that at about 2 am
when she did not found her grand-daughter on bed, she started
searching her along with other family members and found her in
the orchard of Ram Chandra Choudhary in unconscious state
and the petitioner lying over her and after seeing them, he tried
to flee away but he was caught and when she saw her grand
daughter, she found blood oozing out from her rectum and she
was continuously crying and was naked. The statement of the



victim girl under Section 164 of the Cr.P.C was recorded who in her statement has stated that the petitioner took her away and cut her rectum by knife and thereafter raped her, and in the meantime family members reached there and he was caught there. The victim was sent to the hospital on the same day and the doctor examined her and has stated that there is no external injury found on her body and found old blood near vaginal orifice and opined absence of spermatozoa and found no evidence of recent sexual assault. Petitioner has got no criminal antecedent and is in custody since 10.06.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of **1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur** in connection with **Mahua P.S. Case No. 151 of 2017.**

(S. Kumar, J)

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