

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31175 of 2018

Arising Out of PS.Case No. -1864 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Alamuddin @ Lalu, Son of Md. Abbas Resident of Village-
Chakbarkurwa Tola Chaksa, P.S.- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Marjina Khatoon, D/o Md. Allauddin Ansari, R/o Chakbarkurwa Tola,
P.S.- Kanti, O.P. Panapur District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Complaint Case No.1864 of 2014 registered for the offences
punishable under Sections 323, 376/34 of the Indian Penal Code
and Section 4 of the POCSO Act.

As per the complaint case the complainant has alleged
that on 01.07.2014 this petitioner forcibly committed rape on her
and continued to establish physical relation giving false assurance
of marriage. The petitioner refused to marry her and thereafter the
present case has been registered.



It has been submitted that this petitioner is a student of Polytechnic College at Bhopal. The parents of the complainant want to perform marriage of their daughter with this petitioner and they have got this case filed with false and frivolous allegation. It has been further submitted that there are major contradictions in the statements of witnesses recorded during enquiry and the complaint petition. The complainant during enquiry has stated that on 01.07.2014 this petitioner confined her in a room and committed rape on her. The other witnesses however have stated that the guardians of petitioner forcibly kept the petitioner and the complainant in a room and thereafter this petitioner committed rape on her. The occurrence of sexual intercourse continued from 01.07.2014 to 22.10.2014. But for the said occurrence the complainant has filed a complaint case after a long delay i.e. on 10.11.2014. The petitioner having clean antecedent has voluntarily surrendered on 01.05.2018 and so he deserves to be enlarged on bail.

The learned counsel for the informant and learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is



directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO Act, Muzaffarpur in connection with Complaint Case No.1864 of 2014 corresponding to Trial No.17 of 2018.

(Sanjay Kumar, J)

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