

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39899 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- UJIYARPUR District- Samastipur

Md. Sonu son of Md. Manjur resident of Village Nikashpur, P.S. Ujiarpur,
District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Ajay Kumar -2, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in
connection with Ujiyarpur P.S. Case No. 7 of 2018 registered for
the offence punishable under Sections 323, 376, 506 of the
Indian Penal Code.

Informant is the mother of victim, who has stated
in her written complaint that on 02.01.2018 at about 4.00 PM
her daughter Sahana Khaton aged 12 years had gone to bring
the grass, she returned back shouting at 5.00 PM and told her
that while she was bringing the grass, the petitioner caught her
and undressed her and thereafter raped her and also took her
photograph. Statement of victim was also recorded under



Section 164 of Cr.P.C. in which she stated that she was returning home alongwith younger sister but she returned earlier and Md. Sonu (petitioner) caught her and took her in the field, undressed her and also raped her. He also took a photograph and threatened that if she would inform anybody he would upload her photograph on Internet. A Medical Board was constituted by which she was examined on 03.01.2018 and the Medical Board did not find any type of external injury on her body and also found hymen intact, as such there was no question of commission of rape on her. Medical Board has also assessed her age below 14 years. Neither any sign of violence or injury all over the body was found nor spermatozoa dead or alive was found.

It has been submitted by the counsel for the petitioner that the petitioner has been falsely implicated in this case as few days earlier his family had denied solemnization of his marriage with the daughter of the informant. It has been further submitted that petitioner is also aged about 18 years. Petitioner has no criminal antecedent and he is in custody since 03.01.2018.

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 learned Special Judge, POCSO, Samastipur, in connection with Ujiyarpur P.S. Case No. 7 of 2018.

(S. Kumar, J)

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