

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73011 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- MAHILA P.S. District- Araria

Md. Javed Alam, son of late Abdul Qaiyum, resident of village Bazturbari,
Marar Tola -13, P.S. Tarabari, Distt. Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Spl (POCSO) Case No. 41 of 2018 arising out of Araria (Mahila) P.S. Case No. 77 of 2018 instituted for the offence under Sections 376/34 of the Indian Penal Code and Section 3/4 of POCSO Act.

It is alleged in the written report that daughter of the informant namely, Farhana, aged about 14 year is deaf and dumb. About four months back, she had gone to attend call of nature in Bamboo clumps. The co-accused Md. Chunna at the point of knife committed rape with her and threatened not to disclose the matter to anybody. It is further alleged that Md. Chunna continuously established physical relationship with her, on account of which, she became pregnant. She told the entire story to her mother on being asked by her, about her



conceiving pregnancy. Co-accused Md. Chunna gave medicine to abort the pregnancy, but she did not take the medicine. It is further alleged that a Panchayati was held on 25.7.2018 in which co-accused Md. Chunna accepted his guilt before the Panches. He was ready to perform marriage with her. But his family members denied to perform marriage. The Panchayti was again held on 27.7.2018 in which he gave assurance to solemnize marriage with daughter of informant, but co-accused denied to marry with the daughter of informant saying that they will not solemnize marriage with a dumb and deaf girl. He will solemnize marriage with daughter of informant if they will make payment of Rs. 2 lacs and two Bigha of land.

Counsel for the petitioner submits that there is specific allegation in the written report against co-accused Md. Chunna of committing illegal act with deaf and dumb minor daughter of the informant, on account of which, she became pregnant. Counsel for the petitioner further submits that there is general and omnibus allegation against the petitioner that he did not perform marriage with daughter of the informant.

Petitioner is said to be in custody since 14.9.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of



the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Additional Sessions Judge-cum-Special Judge, Araria, in connection with Spl (POCSO) Case No. 41 of 2018 arising out of Araria (Mahila) P.S. Case No. 77 of 2018 subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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