

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33209 of 2018

Arising Out of PS. Case No.-38 Year-2017 Thana- MAHILA P.S. District- Banka

MD. KHURSID ALAM @ MD.KHURSID, Son of Late Samsul Haque,
Resident of Village- Unchdiha, P.S.- Dhoraiya, District- Banka.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar Jha, Adv.
For the Opposite Party : Mr. Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 29-08-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Mahila P.S. Case No. 38 of 2017 (G.R. No. 2706 of 2017)
registered for the offences punishable under Sections 376 of the
Indian Penal Code and under Section 4 of POCSO Act.

Informant is the father of victim, who in his written
complaint has stated that he is care taker of orchard of Sujit
Prasad Singh which has located one kilometer away from the
village. Five months before he had gone to Godda, his 13 years
old daughter Nishrat Khatoon, who was sitting in her orchard
alone and seeing her alone petitioner committed rape upon her
and she became pregnant.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case. He is an old man aged about 60 years. The allegation of rape is false and concocted and there is nothing found against the petitioner during entire investigation. In this case although charge-sheet has been submitted against the petitioner under Section 376 of the Indian Penal Code. The victim delivered a child who was subsequently killed by his family members and his request for conducting DNA test was not done by the I.O. He has no criminal antecedent and he is in custody since 25.08.2017.

Considering the aforesaid fact 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 1st Additional Sessions Judge, Banka in connection with Mahila P.S. Case No. 38 of 2017 (G.R. No. 2706 of 2017).

(S. Kumar, J)

Rajiv/manoj

U		T	
---	--	---	--

