

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41639 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -AWADPUR District- KATIHAR

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1. Zaniruddin, Son of Late Lal Mohammad, resident of Village-Govindpur, P.S. Abadpur, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-09-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in Abadpur P.S. Case No. 47/2018, instituted for the offences under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

It is alleged in the written report that while the victim was looking for her mother, this petitioner forcibly pushed her down on the ground and committed rape with her. Statement of victim girl has been recorded under Section 164 Cr.P.C. wherein she has stated same fact.

Learned counsel for the petitioner has submitted that petitioner is grandfather of the victim girl. He is in custody since 18.04.2018. It is further submitted that the victim girl is of weak



mind and her statement is not reliable. The doctor has not found any injury on the person of victim girl.

The victim girl has been examined by the doctor. Medical report is available in the case diary, wherein the doctor has stated that the victim is mentally abnormal and not co-operating to her medical examination. She was also unable to speak properly. The doctor has not mentioned of finding of any injury on her person.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail 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 the learned A.C.J.M., Katihar in connection with Abadpur P.S. Case No. 47/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J.)

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