

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42350 of 2018

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MD. SADDAM HUSSAIN @ BHINDI @ SADDAM HUSSAIN, S/o Md. Sadar Badsha, R/o Mohalla- Pokhra Mohalla Hospital Road, P.S.- Town Hazipur, Dist.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s: Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 26-10-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Mahila P.S. Case No.01 of 2017** instituted for the offence under Section(s) 376 Indian Penal Code and 4/6 of POCSO Act.

In the written report, it is alleged that this petitioner committed rape with six years old daughter of the informant.

Counsel for the petitioner submits that victim girl was never medically examined. Occurrence is said to have taken place on 13.01.2017, but First Information Report has been lodged on 18.01.2017. There is no statement of the victim recorded under Section 164 Cr.P.C. Mother of the victim did not get the victim examined medically and she herself has given



letter to the Medical Officer that she will not get medically examined her daughter.

Xerox copy of the said letter is available in the case diary. It further appears that victim girl was sent by the police for her medical examination. The Doctor has only assessed her age. Mother of the victim has given in writing that she does not want her daughter to be examined medically.

A report was called for from the Court below about present stage of the case, which has been received from which it appears that only two witnesses have been examined till date.

In the facts and circumstances of the case, 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 **Additional District and Sessions Judge, 1st-cum-Special Judge, Vaishali at Hajipur**, in connection with **Mahila P.S. Case No.01 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

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Rohit Kr.

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