

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16093 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- MAHILA P.S. District- Araria

MD. SALIM ZAFAR @ MD. SAH ZAFAR @ MD. SAALEEM ZARAR S/o
Md. Israil , R/o Village- Dhapi, P.S.- Jokihat, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Adv. Mr. Kumar Ravish, Adv. Mr. Sanjay Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr. Kashyap Kaushal, APP Mr. Ajay Kumar, Adv.
For the Informant	:	Mr. Ranvijay Narain Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-04-2018 Heard learned counsel for the petitioner and the State.

This is an application for regular bail in connection with Araria (Mahila) P. S. Case No. 2 of 2018 registered for the offences punishable under Sections 376/34 of the Indian Penal Code as well as under Sections 3 and 4 of the POCSO Act.

Informant is the victim girl herself who in her written complaint lodged on 8.1.2018 has alleged that she is 14 years old and while he had gone other side of the river for grazing cattle, petitioner on the strength of knife raped her and thereafter he also promised that he would solemnize marriage with her. No complaint was filed as her father was at Hyderabad and when her father returned from Hyderabad, the present written



complaint was made to the Officer-in-Charge of Araria Mahila Police Station.

It has been submitted by learned counsel for the petitioner that he is innocent and has falsely been implicated in this case. The girl was subjected to medical examination and according to medical report no injury either on the body or on the private part of the informant was found. It has further been submitted that after investigation police has also not found case under Section 376 IPC and 3 and 4 of POCSO Act and submitted chargesheet under Sections 341, 323, 427, 379 and 504 of the Indian Penal Code.

Considering the facts and circumstances of the case, let above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge (POCSO) Act, Araria in connection with Araria (Mahila) P.S. Case No. 2 of 2018 giving rise to Special Case No. 1 of 2018.

(S. Kumar, J)

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