

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3320 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -DAGARUA District- PURNIA

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Chandan Goswami @ Chandan S/o Late Banarsi Goswami, R/o village-
kathpur, Kalbalia, P.S.- Sadar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
29.09.2017 in connection with Special Case No. 79 of 2017
arising out of Dagarua P.S. Case No. 05 of 2017 for offences
punishable under Sections 376/34 of the Indian Penal Code and
Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that while she was sleeping along with her mother, father, sister
and brother-in-law, the petitioner along with two associates came
and forcibly took her away outside and committed rape on her.

It has been submitted by the learned counsel for the
petitioner that he is innocent, allegations are false and it is not



probable that the petitioner could have taken the victim out of the house without her raising any alarm. He submits that medical report does not show any sign of rape and that charge-sheet has been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the victim lady is a married but minor.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Case No. 79 of 2017 arising out of Dagarua P.S. Case No. 05 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Devendra/-

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