

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54378 of 2018

Arising Out of PS. Case No.-330 Year-2018 Thana- SONEPUR District- Saran

=====

Nausad Miya @ Naushad Mian, Son of Late Sipahi Mian, Resident of
Village- Kashmer, P.S.- Sonepur, District- Chapra, Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate.

For the Opposite Party/s : Mr. Rajkishore Singh, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sonepur P.S. Case No.330 of 2018 registered under
Sections 376(1) and 120B of the Indian Penal Code besides
Sections 3/16 of the POCSO Act.

The accusation of the informant Noorjahan Khatoon,
who is minor, is that while on 15.04.2018 at about 11.00 A.M.,
she was present at her Bathan, at that time, co-accused Vijay Rai
reached there and asked her to move with Md. Arman, on
which she refused. Thereafter, Vijay Rai threatened her to kill
her parents, if she will not perform 'Nikah' with Md. Arman. In
the meantime, the petitioner reached there and told that if both



are ready then they may perform 'Nikah', but the informant made protest. Thereafter, petitioner told the informant that he will manage to her parents and asked to perform 'Nikah' with Arman but the informant refused to perform 'Nikah'. In the meantime, Vijay Rai forcibly took the informant on motorcycle and left her at Kharika Chowk, where Arman was present, who took her at the house of Akbar Mian in village-Kharika, P.S. Sonapur, District-Saran and forcibly committed rape on her and fled away from there.

Learned counsel for the petitioner submits that it would appear from perusal of the F.I.R. that the petitioner had only suggested the informant to perform 'Nikah' with Arman, if she is willing to perform 'Nikah' with him. Except that, no any overt act has been attributed to the petitioner. Further submission is that in medical examination, the age of the informant has been assessed in between 15-16 years.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Saran



at Chapra, in connection with Sonapur P.S. Case No.330 of
2018, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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

