

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55628 of 2018

Arising Out of PS.Case No. -167 Year- 2018 Thana -MANIYARI District- MUZAFFARPUR

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1. Md. Faruque, Son of Nisar Alam, Resident of Chhapki, P.S.- Manihari,
District- Muzaffarpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-11-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Maniyari P.S. Case No.
167/2018, instituted for the offences under Sections 448, 341, 376
and 506 of the Indian Penal Code read with Section 4, 6, 7 and 8
of POCSO Act.

It is alleged in the written report that this petitioner
entered into the house of informant and committed rape with her.
Statement of victim has been recorded under Section 164 Cr.P.C.,
wherein she has stated that this petitioner has committed rape with
her after tearing her clothes.

Learned counsel for the petitioner has submitted that
story narrated by the victim under Section 164 Cr.P.C. is different



from the allegation as mentioned in the written report. The victim has been medically examined in which her age is assessed to be between 18 to 19 years. Injury report is available in case diary, wherein doctor has not found spermatozoa. Petitioner is in custody since 13.06.2018.

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 Special Judge, POCSO, Muzaffarpur in connection with Maniyari P.S. Case No. 167/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J.)

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