

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27390 of 2018

Arising Out of PS. Case No.-242 Year-2017 Thana- DHAMDAHA District- Purnia

Md. Ajmul Son of Shahid resident of village - Nirpur, P.S. - Dhamdaha,
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 10-07-2018 Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with Special (POSCO) Case No. 98 of 2017 arising out of Dhamdaha P.S. Case No. 242 of 2017 registered under Sections 366A/34 of the Indian penal Code and 3 and 4 of the POCSO Act.

Allegation in brief is that petitioner kidnapped minor married daughter of the informant and victim was recovered along with the petitioner at the Bus Stand and she stated that she was also raped by this petitioner.

Learned counsel for the petitioner draws attention to the discrepancy in the allegation in the FIR that petitioner was taking away the girl in a tempo whereas girl in her statement stated that she was kidnapped by the petitioner and others and taken away by in a Bolero vehicle. Learned counsel also



submits that girl was married and the Medical Board assessed 18-19 years of age and in fact it was a case of elopement and the petitioner and informant are co-villagers and the Medical Board has not found any sign of rape.

Having considered the aforesaid facts and circumstances, the petitioner, namely , Md. Ajmul, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge (POCSO Act), Purnea in connection with Special (POCSO) Case No. 98 of 2017 arising out of Dhamdaha P.S.Case No. 242 of 2017.

(Arun Kumar, J)

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