

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39854 of 2018

Arising Out of PS. Case No.-24 Year-2016 Thana- MANIHARI District- Muzaffarpur

Md. Shamim S/o Md. Saudagar R/o Village- Chainpur, P.S. Manyari, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tarana Khatoon W/o Md. Shamim , D/o Md. Jammer R/o Chainpur, P.S. Manyari, Distt. Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Kamran

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-07-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

The petitioner, who is in custody, seeks bail in connection with Manyari P.S. Case No. 24 of 2016 registered for the offence punishable under Section 376 of the Indian Penal Code and 4/8 of POCSO Act.

As per the written statement given by the informant who is the father of the victim girl, when the victim had gone to attend the call of nature on 18.02.2016, the petitioner caught hold her and committed rape upon her.

It has been submitted by the counsel for the petitioner that the petitioner is innocent and has committed no



offence. There was love affairs between petitioner and victim girl and he had solemnized Nikah with the help of villagers and the girl has also delivered a child and is living happily in her matrimonial home. The case was instituted on account of grudge. It has been further submitted that the girl is major and a joint compromise petition has also been filed in the court of Special Judge (POCSO) Act. Petitioner has no criminal antecedent and he is in custody since 17.04.2018.

Learned counsel for the informant does not oppose the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, POCSO Act Muzaffarpur, in connection with Manyari P.S. Case No. 24 of 2016.

(S. Kumar, J)

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