

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70483 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- AMAUR District- Purnia

MD. DILWAR @ DILWAR Son of Md. Ainuddin Resident of Village-Chara
Bhatta, P.S. Amour, Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Sri Satya Nand Shukla (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Amour P.S. Case No. 56 of 2018 giving rise of Special (POCSO) Case No. 43 of 2018 registered for the offences punishable under Sections 376, 450, 504, 506 and 34 of the Indian Penal Code and under Section 3/4 of the POCSO Act.

Complainant alleged that on allurement of marriage petitioner committed rape upon her several times and when she became pregnant, petitioner refused to get marry with her.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has falsely been implicated in this case with ulterior motive. Statement of complainant has been made under Section 164 of Cr.P.C. in



which she has not made any specific allegation against the petitioner. He has no criminal antecedent and he is in custody since 17.09.2018.

Considering the aforesaid fact 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), Purnea in connection with Amour P.S. Case No. 56 of 2018 giving rise to Special (POCSO) Case No. 43 of 2018, subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be



at liberty to move for cancellation of bail of the
petitioner.

(S. Kumar, J)

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