IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59970 of 2018

Arising Out of PS.Case No. -38 Year- 2018 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Ekramul @ Md. Akramul Haque, S/o Late Panchu,
2. Gulshan @ Gulshan Khatoon W/o Md. Ekramul @ Md. Akramul Haque,

Both are R/o Vill.- Karankia, Tola Baria Pokhar, Ward No. 3, P.S.- Bousi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-10-2018 Supplementary affidavit has been filed on behalf of petitioners, stating therein that one case is also pending against these petitioners, which may be kept on record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in Spl. (POCSO) Case No. 20/2018, arising out of Araria Mahila P.S. Case No. 38/2018, instituted for the offences under Sections 376/34 of the Indian Penal Code read with Sections ¾ of POCSO Act.

Learned counsel for the petitioners has submitted that the occurrence is alleged to have taken place on 29.03.2018 and F.I.R. has been lodged on 01.05.2018. It is further submitted

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that false allegation has been levelled by the informant as she has alleged that petitioner no. 2 caught hold her and Petitioner no. 1 (husband of petitioner no. 2) committed illegal act with her.

Sessions Judge has mentioned in the impugned order that in the statement recorded 164 Cr.P.C., the victim girl has stated that she was hearing 'Jalsa' at 12 P.M. in the night and her Chachi received the call on mobile whereas in the F.I.R. time of occurrence has been mentioned as 7 P.M.

Learned counsel for the petitioners submits that in medical report doctor has not found any injury of sexual assault on the person of informant.

Considering the aforesaid fact and circumstances, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, Araria in connection with Araria Mahila P.S. Case No. 38/2018, subject to the conditions that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J.)

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