

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4703 of 2019**

Arising Out of PS. Case No.-136 Year-2018 Thana- BARSOI District- Katihar

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Saiyad, S/o Abdul Karim Resident of Baltar, P.S-Barsoi, Distt.-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 15-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under Sections 366A, 376 of the Indian Penal Code and Section-4 of the POCSO Act.

The prosecution case, is that the accused persons kidnapped informant's daughter and committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 27-06-2018. Charge sheet has already been submitted. The date of occurrence is said to be 23-05-2018. The case was instituted on 25-05-2018. The delay in lodging the FIR has not been explained by the prosecution.



There was love affairs between the victim and the petitioner. The victim had left home with her own sweet will. When she came in custody of her parents, under inducement she made statement under Section 164 of the Cr.P.C. The independent witnesses in paragraphs 52 & 53 of the case diary, have not supported the statement made by the victim under Section 164 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Katihar in connection with Barsoi P.S. Case No. 136 of 2018.

(Sudhir Singh, J)

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