

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5473 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- MAHILA P.S. District-
Purnia

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Md. Danish aged about 18 years, male, son of Md. Misrail, Resident of
Village – Nizgohuwan, P.S. Jalalgarh, District- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sada Nand Roy, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376/34 of the Indian Penal Code and
Section 3/4 of POCSO Act registered in connection with Araria
(Mahila) P.S. Case No. 67 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the F.I.R. has been instituted after about 20 days
on 11.07.2018 for the alleged occurrence of 21.06.2018. The
prosecution case has been instituted in retaliation of Jalalgarh P.S.
Case No. 102 of 2018 dated 14.06.2018 by the petitioner's sister
against the maternal brother of the informant raising similar
accusations. It is submitted that according to the medical report,
the age of the informant is 19 to 20 years and hence the
accusation under the POCSO Act are not made out. The petitioner
claims clean antecedents.

4. Be that as it may, having regard to the entirety of
the facts and circumstances of the case, in the event of the



petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Ist Additional Sessions Judge cum Special Judge, Araria, in connection with Special (POCSO) Case No. 33 of 2018 arising out of Araria (Mahila) P.S. Case No. 67 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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