

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17170 of 2019**

Arising Out of PS. Case No.-378 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

MD. AZAMAT @ AZAMAT, S/o Md. Kasim, Resident of Village- Dataganj,
Ward no. 11, P.S.- Sadar Madhubani, District - Madhubani (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kr. Bharti
For the Opposite Party/s	:	Mr.Anil Kumar
For the Informant	:	Mr. Gagandeo Yadav

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 01-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Madhubani Town P.S. Case No. 378 of 2018, corresponding to G.R. No. 96 of 2018, registered for the offences punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code and Section 6 of POCSO Act.

Allegation against the petitioner is that he developed physical relationship with the informant and taken photographs on mobile and on the basis of that he threatened her not to say anyone and further petitioner has made regular sexual intercourse with her. It is further alleged that she told her mother and father about the same and when they went to meet with the parents of the petitioner they abused and threatened to them.

Submission of learned counsel for the petitioner is



that the statement of the girl recorded under Section 164 Cr.P.C. is itself contradictory in nature as she has stated that there was love affair with the petitioner and she was having no sexual intercourse.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that the girl is minor, which will appear from her statement under Section 164 Cr.P.C. and as such the statement of the girl has no value.

Having heard both sides and in the facts and circumstances, let petitioner, above named, surrender and pray for regular bail, which shall be considered on its own merit, without being prejudiced by this order.

This application is, accordingly, disposed of with the above observation.

(Vinod Kumar Sinha, J)

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