

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79645 of 2018

Arising Out of PS. Case No.-90 Year-2018 Thana- KATIHAR MUFFASIL District- Katihar

Md. Alam son of Md. Genori @ Md. Ganauri resident of village-
Makhdumpur, P.S. Muffasil, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Muffasil P.S. Case No. 90/2018
registered for the offence punishable under Sections
363/366A/34 of the Indian Penal Code, Section 4 of POCSO
Act and later on under Section 376 of the I.P.C.

Informant has alleged that his minor sister has forcibly
been taken by three accused as named in the F.I.R. The girl was
recovered and in her statement she has alleged that she was
abducted by all the three named accused and co-accused, Sonu
Kumar committed rape upon her.

It has been submitted on behalf of the petitioner that he
is innocent and has been falsely implicated in this case due to
village rivalry. Victim girl was recovered by the police
according to which, she was going with some person on non-



metal road from where she was recovered alone by the police. The Medical Board has assessed the age of girl between 17 - 18 years and has not found any sign of rape or injury on her person or private part. It has also opined that she is accustomed to sexual intercourse. Petitioner has no criminal antecedent and he is in custody since 24.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge- 1st-cum- Special Judge, Katihar, District, Katihar in connection with Muffasil P.S. Case No. 90/2018, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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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