

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39322 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- Khagaria

MD. ISTIYAK Son of Md. Jainul Resident of Village- Kutubpur, P.S.-
Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No.23 of 2019/POCSO Case No.14 of
2019 registered under Sections 376 and 493 of the Indian Penal
Code besides Sections 4, 6 and 8 of the POCSO Act.

The accusation is that in the night of 07/08.05.2019,
the informant was sleeping on the roof at her house. At about
02.00 A.M., the petitioner, who is her co-villager, entered into
her house and took her in a room and tried to commit rape on
her. In the meantime, the mother of the informant came to open
the tea shop, then on hearing the sound, the petitioner started to



flee away. Since before 2-3 months, the petitioner, on seeing the opportunity, used to come and make physical relation with the informant forcibly, alluring her to perform the marriage. On the alleged date of the occurrence, when the petitioner was seen at the house of the informant, the mother of the informant informed the villagers and arranged panchayati and the petitioner was asked to perform the marriage with the informant but the parents of the petitioner refused to perform the marriage of the informant with the petitioner.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that at the time of making attempt to commit rape on the informant, the mother of the informant, who was present, came but the petitioner was not apprehended by her. The present case was lodged after 2-3 months of the alleged occurrence. In the medical examination, the age of the informant has been assessed in between 17-19 years.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Kaushlesh Kumar Singh,



Additional Sessions Judge-I, Khagaria-cum-Special Judge,
POCSO Act, in connection with Mahila P.S. Case No.23 of
2019/POCSO Case No.14 of 2019, subject to the conditions laid
down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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