

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40494 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- RUPAULI District- Purnia

MD. DILSHAD Son of Md. Ibrahim Resident of Village - Bela Prasadi, P.S.-
Rupauli, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Special Case No. 110 of 2018 arising out of Rupauli P.S. Case No. 137 of 2018**, instituted for the offence under Section(s) 376 of the Indian Penal Code and Section 4 of POCSO Act.

It is alleged in the written report that two months back petitioner used to talk with the informant on mobile phone of her mother. Thereafter, petitioner offered a Mobile Phone to the informant with SIM of Vodaphone to have talk with her. It is further alleged that on 26.7.2018, petitioner came to the house of informant and sat on her bed and committed illegal act with her.

The Police after investigation, submitted charge sheet against the petitioner for the offence under Section 354 of the Indian Penal Code and Section 8 of POCSO Act.

Petitioner is in custody since 5.4.2019 having clean



antecedent.

Counsel for the petitioner submits that occurrence is said to have taken place in the night of 26.7.2018 and First Information Report has been lodged on 27.7.2018 at 5:35 p.m. The victim girl has been examined on 28.7.2018.

Case diary has been received.

The medical report of the victim girl is available in the case diary wherein the Doctor has found no sign of rape on the person of the victim girl.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, Purnea**, in connection with **Special Case No. 110 of 2018 arising out of Rupauli P.S. Case No. 137 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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