

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64624 of 2018

Arising Out of PS. Case No.-346 Year-2018 Thana- HAJIPUR District-
Vaishali

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Md. Nakki S/o Abdul Rashid Resident of Village/Mohalla-Rajendra More,
Katra, P.S. Town, Distt.-Vaishali at Hajipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 15-02-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 452, 380, 376, 511, 504, 506/34 of the Indian
Penal Code and 8 of the POCSO Act registered in connection with
Hajipur Town P.S. Case No. 346 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact there was a love affairs between the
petitioner and the so-called victim girl. It is submitted that the present
F.I.R. has been instituted as the love affair was being opposed by the
girl's parents. It is submitted that both parties are major and as such
the offence under POCSO Act are not made out.

4. Learned APP on the basis of case diary has not pointed
out any objective material against the petitioner. As a matter of fact in
paragraph-62 of the case diary, the statement of the girl recorded
under Section 164 Cr P.C. has been referred to in which a different
version has been stated to the effect that her mother caught the
petitioner at her home whereas in the F.I.R. she claims to have gone to
the market at the time of occurrence. In paragraph-72 of the case diary
(erroneously mentioned as paragraph-62), the informant stated that



she was not prepared for medical examination of her daughter.

5. Be that as it may, 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 Additional Sessions Judge Ist, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 346 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) That 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) That 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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