

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51328 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- KURSAKANTA District- Araria

MD. IMRAN, aged about 20 years, Gender-Male, Son of Md. Parvej Alam @
Md. Parwej, Resident of Village- Kaparfora, Ward No.- 8, P.S.- Kursakanta,
District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Mrigendra Kumar, Advocate.
For the State	:	Mr.Ajay Kumar, A.P.P.
For the Informant	:	Mr. Gopal Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-08-2019 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner is languishing in custody since
30.04.2019 in a case for the offence registered under Sections
376, 120(B) of the IPC, $\frac{3}{4}$ of POCSO Act and 67 of I.T. Act.

The prosecution story, in brief, is that on 25.04.2019
at 2.00 P.M., the daughter of the informant Puja Kumari aged
about 14 years, had gone for cutting grass towards eastern side
of the house and Md. Imran (petitioner) alongwith two unknown
miscreants, reached there and on the point of Revolver, he
dragged his daughter in the Maize field and committed rape
upon her and also shoot photo in the Mobile Phone and given
threat not to share the incident to anyone, otherwise, he will



viral the photo and ultimately on 26.04.2019, the photo shoot was viraled by him and then on 27.04.2019, he came to know about this episode then he made complaint regarding this matter then the accused stated before him that with intent to marriage by conversion of relation, the photo shoot has been viraled.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. After investigation, the Investigating Officer has submitted police report for the offences under Sections 341, 323, 354(B), 504, 506/34 of the IPC and Section 67 of I.T. Act. The said police report has been accepted by the learned court below and cognizance has also been taken in the aforesaid offences. The allegation of commission of rape upon the victim is said to have been found false. The medical examination report also does not support the allegation of commission of rape upon the victim.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special (POCSO) Case No. 23 of 2019, arising out of Kursakanta P.S. Case No. 117 of 2019.

(Sudhir Singh, J)

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