

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59858 of 2019

Arising Out of PS. Case No.-213 Year-2019 Thana- FALKA District- Katihar

ABDUL JABBAR @ MD. JABBAR Son of Md. Mortuza @ Murteja
Resident of Village - Fuldobi, Bangali Tola, P.S.- Falka, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 493, 376 of the Indian Penal Code and 6 of POCSO Act.

The prosecution allegation in short is that the accused person on the pretext of marriage established physical relation with the informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.6.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The medical examination report of the victim does not support the allegation



made in the F.I.R.. As per the F.I.R., on the pretext of marriage, a consensual relationship is said to have been established. The petitioner has further relied upon the case of ***Dr. Dhruvaram Murlidhar Sonar versus State of Maharastra & Ors.*** since reported in ***2019 SCC Online SC-3100***. Hence, no offence under Section 376 IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 learned Court of A.D.J.-1st-cum- Special Judge, Katihar in connection with Falka P.S. Case No. 213 of 2019, G.R. No. 2854 of 2019.

(Sudhir Singh, J)

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