

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.59028 of 2019

Arising Out of PS. Case No.-203 Year-2018 Thana- BAUSI District- Purnia

ASLAM, aged about 30 years, Male, Son of Kasim @ Md. Kasim, R/o
Village- Bairia, P.S.- Baisi, District- Purnea ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Adv. with

Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party : Mr. Aditya Narayan Singh1, APP

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

ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Baisi P.S. Case No. 203 of 2018 for the offences alleged under
Sections 363, 366A and 376(D)(A) of the Indian Penal Code and 6 of
the Protection of Children from Sexual Offences Act, 2012.

The accusation is that on 18.07.2018, sister of the
informant, while gone outside the house, did not return. On query,
informant, Md. Sabir Alam, came to know that his neighbour, Aslm,
son of Quasim, is also not in the village. On 27.07.2018, the
informant received a message on phone that his sister is at Katihar
Railway Station. He went there and saw his sister in ailing
condition, who disclosed that she was enticed away by Waris and
taken to Delhi where Waris and Aslam committed rape and left her at
Katihar Railway Station.

The learned counsel for the petitioner submits that it would
appear from the first information report that the sister of the
informant enticed away by Waris and taken to Delhi where Waris and



this petitioner committed rape on her, but, the sister of the informant, in her statement under Section 164 of the Criminal Procedure Code, specifically stated that she was called by Waris on phone and thereafter she was taken to Delhi on assurance to perform marriage and developed physical relation with her, but, left her at Katihar Railway Station and he again went to Delhi. But, she has not whispered any overt act against the petitioner.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Baisi P.S. Case No. 203 of 2018 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge I-cum-Special Judge, POCSO, Purnea, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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