

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59909 of 2019

Arising Out of PS. Case No.-242 Year-2017 Thana- DHAMDAHA District- Purnia

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ASLAM MIYAN Son of late Majlum Miyan @ Md. Majlum, resident of
village - Nirpur, P.S.- Dhamdaha, Distt. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Special (POCSO) Case No.98 of 2017,
arising out of Dhamdaha P.S. Case No. 242 of 2017 registered
for offence punishable under sections 366(A)/34 of the Indian
Penal Code and 3/4 of the POCSO Act.

Allegation has been made to have kidnapped Nilu
Kumari Devi, daughter of informant, by Ajmul along with four
others. The specific allegation has been made against Ajmul to
have kidnapped and committed rape on the victim girl and tried
to enter into marriage forcefully, but when she denied, in that
circumstance, threatening was given to kill her.

The learned counsel for the petitioner submits that



the petitioner has not been attributed to the allegation made in the present case. Only the allegation has been attributed against him, when the complain was made by the parents of Nilu Kumari, the present petitioner and his family members suggested the informant not to lodge any criminal case in the matter. It is further submitted that the charge sheet has not been filed against the petitioner.

As there is no specific allegation, as per the informant as well as the State, against the petitioner with regard to commission of rape on the victim girl, the petitioner, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, Purnea in connection with Special (POCSO) Case No.98 of 2017, subject to the conditions as laid down under section 438 Cr.PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence and he shall cooperate in disposal of trial and make



himself available as and when required by the court.

(Shivaji Pandey, J)

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