

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71110 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- DUMRA District- Sitamarhi

Shahnawaj Alam @ Shahnawaj @ Md. Sahnawaj @ Md. Shahnawaj Alam,
Son of Md. Jakir Hussain @ Md. Jafir Ansari, Resident of Village- Banchauri,
P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 27.06.2018
in a case registered for the offences punishable under Sections
376/511 of the IPC and Section 8 of the POCSO Act.

The prosecution case, as per the written report of Subadhi
Devi, dated 25.06.2018 submitted to the Station House Officer,
Dumra Police Station, is to the effect that on the same day at
9.30 A.M., the minor daughter of the informant, namely, Sarita
Kumari, aged about 11 years along with three other girls went to
cut grass in the field. In the meantime, the petitioner caught hold
the daughter of the informant and took her to nearby sugar cane
field, disrobed her and tried to ravish her and when the daughter



of the informant raised alarm, the petitioner sprinkled some liquid on her mouth. It is further alleged that when other three girls who were accompanying the daughter of the informant, raised alarm, nearby villagers came and rescued the victim, caught hold the petitioner and informed the police about the incident and subsequently, the police arrested the petitioner.

It is submitted by learned counsel for the petitioner that the medical report of the victim does not suggest any resisting injury on the person of the victim. The arrest memo suggests that the petitioner was arrested from the tea stall of Mahesh, situated at Mohandih market. For the occurrence of 25.06.2018 at 9.30 A.M., the FIR was registered on the same day on 04.30 P.M. It is further submitted that surprisingly neither the statement of victim girl nor the statement of any one of the girls who were accompanying the victim girl who also claim to be the eye-witnesses to the occurrence, either under Section 164 Cr. P.C. or under Section 161 Cr. P.C., has been recorded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that there is specific accusation against the petitioner and he was caught on the spot.



Considering the delayed lodging of the FIR, the accusation not being corroborated by the medical opinion and period under custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Sitamarhi in connection with Dumra P.S. Case No. 245 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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