

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62176 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- BAIRIYA District- West Champaran

JAINUL MIAN Son of Late Kolai Mian Resident of Village - Majhariya, P.S.
- Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-10-2019 This application, for grant of anticipatory bail, arises out of Bairiya P.S. Case No. 133 of 2018, disclosing offences under Section 376 of the Indian Penal Code and Section 8 of the POCSO Act.

Prosecution case is that petitioner happens to be father of co-accused Aftab Alam against whom there is allegation of establishing physical relationship with the dumb and deaf daughter of the informant, promising marriage and when the daughter of informant became pregnant, informant approached the petitioner for marriage of his son to her daughter but he refused to marry his son with the daughter of informant.

Submission of learned counsel for the petitioner is that from the F.I.R itself it is evident that there is no allegation against the petitioner of commission of rape rather the only



allegation against the petitioner is that he refused to perform the marriage of his son with the daughter of informant.

Heard learned A.P.P. also.

Having heard both sides, considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 133 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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