

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2370 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- MAHILA P.S. District- Kishanganj

Md. Azhar @ Azaharuddin Late Afaque Alam @ Afaque Village - Chhota Masjidgarh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-03-2019 This application, for grant of anticipatory bail, arises out of Kishanganj Mahila P.S. Case No. 56 of 2018, disclosing offences under Section 376 of the Indian Penal Code and Section 4/5 of the POCSO Act.

Allegation against the petitioner is of committing rape on the minor daughter of the informant on assurance of marriage and when she became pregnant, he refused to marry her.

Submission of learned counsel for the petitioner is that the F.I.R. itself shows that the girl was a consenting party and report of the medical board shows that she is aged about 16 to 18 years and considering the higher side, she is major.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, 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) each with two sureties of the like amount each to the satisfaction of learned A.D.J. -I -cum- Special Judge, POCSO, Act, Kishanganj, in connection with Kishanganj Mahila P.S. Case No. 56 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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