

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18744 of 2020**

Arising Out of PS. Case No.-74 Year-2019 Thana- MAHILA P.S. District- Siwan

Zahid @ Zahid Alam Son of Naseer Ahamad @ Naseer Resident of Village -
Saraya, P.S.- Hussainganj, Distt - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 03-06-2020 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in **Siwan Mahila P.S. Case No. 74 of 2019 (POCSO Trial No. 05 of 2020)**, registered for the offence punishable under Section 376 of the Indian Penal Code and sections 4, 6 and 8 of the POCSO Act.

As per prosecution case, on 04.08.2019 when informant's maternal uncle along with family members had gone outside of the house, this petitioner is alleged to have entered into her house and committed rape upon her.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. There is dispute between family of the petitioner and maternal aunt of the informant. The informant in her statement under Section 164



Cr.P.C (Annexure-2) has denied the allegation against the petitioner and she has specifically stated that at the instance of her maternal aunt she has lodged this false case against the petitioner. The doctor has assessed the age of victim girl between 18 to 19 years and there is no sign of rape (Annexure-3). Petitioner is in custody since 09.01.2020 having clean antecedent.

Considering the facts and circumstances of the case and the fact that informant is major, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge-cum-Special Judge Ist, Siwan** in connection with **Siwan Mahila P.S. Case No. 74 of 2019 (POCSO Trial No. 05 of 2020)** subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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