

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21401 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- JIYAPOKHAR District- Kishanganj

ISHA MOHAMMAD @ MD. ISHA Son of Atif @ Md. Atibuddin Resident
of Village- Ziyapokhar, P.S.- Ziyapokhar (Jiyapokhar), District- Kishanganj.
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-07-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Ziyapokhar (Jiyapokhar) P.S. Case No. 07 of 2020 registered for the offence punishable under Sections 341, 323, 504, 324, 313 and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

The petitioner is in custody since 21.03.2020. the informant claims to be a minor and according to her, the petitioner established physical relationship with her with the assurance that he would be marrying her. It is alleged that she had become pregnant, which the petitioner had got aborted with the aid of a Quack. It is also alleged in the First Information Report that the petitioner solemnized marriage with another lady a week before lodging of the First Information Report.

Learned counsel appearing on behalf of the



petitioner has drawn my attention to the medical report prepared by the Medical Board, Sadar Hospital, Kishanganj, to submit that neither any evidence of sexual intercourse was noticed nor there any evidence of pregnancy or recent abortion was found. He has accordingly submitted that the entire case of the prosecution is malicious.

Considering the aforesaid submission and the report of the Medical Board, coupled with the fact that the petitioner is in custody since 21.03.2020, this application is allowed.

Let the petitioner, above named, be released 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 District & Sessions Judge-1st -cum-Special Judge, Kishanganj, in Ziapokhar P.S. Case No. 07 of 2020.

(Chakradhari Sharan Singh, J)

Pawan/-

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