

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23989 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- DAGARUA District- Purnia

Md Majlum alias Majlum aged about 32 years male Son of Late Mustafa
resident of Village Bisanpur P.S. Dagarua, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-11-2020 Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and Dr. Indihar Kumari, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Dagarua P.S. Case No. 239 of 2019 giving rise to Special
POCSO Case No. 95 of 2019 registered for the offence under
Section 341 / 307 / 376 / 511 of the I.P.C. and Section 8 of the
POCSO Act.

The allegation as per the First Information Report is
that the daughter of the informant, aged about 07 years was
caught hold by the petitioner, who pressed her neck and tried to
commit rape upon her. It has further been alleged that when
other persons arrived at the place of occurrence, the petitioner
fled away from there.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to land dispute between the parties and village politics. Learned counsel further submits that during the course of investigation no cogent material has come against the petitioner and the statement of the victim girl under Section 161 of the Cr.P.C. was recorded in which she has only stated that her neck was caught hold by the petitioner and except this there is no allegation that the petitioner touched private body parts of the victim.

On the other hand, learned counsel for the State referring to the case diary submits that the victim girl has stated that petitioner pressed the neck of the victim girl and she was pushed down on the field by covering her mouth with hands.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the statement of the victim girl recorded under Section 161 of the Cr.P.C., I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge -cum Special Judge POCSO Act Purnea in connection with Dagarua



P.S. Case No. 239 of 2019 giving rise to Special (POCSO) Case
No. 95 of 2019 on the following condition:-

*(i) that the petitioner shall remain
present on each and every date during the
course of trial and in case of default on two
consecutive dates on the part of the
petitioner, his bail bond shall liable to be
cancelled.*

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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