

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33052 of 2020

Arising Out of PS. Case No.-186 Year-2020 Thana- PURNEA SADAR District- Purnia

MD SARBAR @ SARBAR, Son of Md. Nijam Resident of Village-
Dholbajja, Panjabi Tola, Ward No. 03, P.S. - Forbesganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-12-2020 In view of the submission and the undertaking of the learned counsel for the petitioner, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 04.12.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Special (POCSO) Case No. 37 of 2020, arising out of Sadar P.S. Case No. 186 of 2020 (CIS No. 37 of 2020), registered under Sections 341, 342, 323, 354(B), 354(D), 376 and 511/34 of the Indian Penal Code and Section 8 of the POCSO Act.



The accusation is that Md. Mojassam used to tease the victim/informant, aged about 14 years. The victim/informant informed the matter to her parents. After some times, she went at the matrimonial house of her sister Bibi Khunam at Kaliganj Abdulla Nagar, Purnea from where, in the early morning of 27.05.2020, the victim/informant moved to attend call of nature. At that time, Md. Mojassam, Md. Sarbar (Petitioner) and Md. Esmile took her, forcibly, in the bamboo clamp and tried to outrage her modesty on the point of knife, but, at that time, some persons gathered for prayer of Nawaz in Jama Masjid, situated near the bamboo clamp, then all accused persons fled away. At that time, one girl came near her from bamboo clamp, who saw her and she narrated the incident to her.

Learned counsel appearing for the petitioner submits that, in fact, there was love affairs in between the victim/informant and co-accused Md. Mojassam, but, later on, altercation took place in between them due to that reasons, the victim/informant lodged the present case implicating the petitioner and one Md. Esmile being the friend of Md. Mojassam. Further submission is that petitioner has no criminal antecedent and he is in custody since 03.06.2020.



Moreso, on investigation the Police has already submitted Chargesheet.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-VI-cum-Special Judge, Purnea in connection with Special (POCSO) Case No. 37 of 2020, arising out of Sadar P.S. Case No. 186 of 2020 (CIS No. 37 of 2020).

(Rajendra Kumar Mishra, J)

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