

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52772 of 2017

Arising Out of PS. Case No.-206 Year-2017 Thana- AAJAM NAGAR District- Katihar

Roshni Khatun D/o Raisuddin , R/o Baluganj, P.S.- Azam Nagar, District-
Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Akhlaque S/o Saidurrehman, R/o Village- Baluganj, P.S.- Azam Nagar,
District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fahad Khurshid

For the Opposite Party/s : Mr.Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 18-02-2020 Heard the parties.

This application has been filed for cancellation of bail granted to O.P.no.2, vide order dated 14.9.2017 passed in G.R.No.2310 of 2017 by the learned Special Judge, Katihar in connection with Azamnagar (Salmari) P.S.case No.206 of 2017 for the offence under Section 376, 509 of the IPC and Section 4 of the POCSO Act.

Submission of the learned counsel for the petitioner is that the learned Special Court without considering the fact that the girl was minor aged about 12 Years and she has supported the allegation in her statement before the police as well as in her statement under Section 164 Cr.P.C., has granted bail to the



O.P.no.2 as such he has prayed for cancellation of bail of the
O.P.no.2.

Heard learned APP as well as the learned counsel for
the informant and perused the impugned order from which it
appears that there is contradiction between her statement under
Section 161 Cr.P.C. and the statement under Section 164 Cr.P.C.
and in the medical report no sign of rape was found.
Furthermore though the occurrence is said to have taken place
on 10.5.2017 but the case has been lodged on 6.6.2017.
Considering those facts the learned Special Judge has granted
bail to the O.P.no.2.

It is well settled principle that the bail can be
cancelled only in exceptional circumstances when there is
allegation of misuse of the privilege of bail or tampering with
the evidence or absconding of the petitioner or the learned court
below has granted bail on wrong considerations of the fact but
in the present case as discussed above, I find no such materials.

In view of the above, this application is dismissed.

(Vinod Kumar Sinha, J)

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