

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34629 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- BARACHATTI District- Gaya

MANSOOR ALAM @ MD MANSOOR ALAM, aged about 21 years, Male,
Son of Mahboob Mian @ Md. Mahboob Alam, Resident of Village- Amsaut,
P.S.- (Mohanpur), Barachatti, District- Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashhar Mustafa, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341,323, 376, 504 of the I.P.C. and 6
of POCSO Act.

The prosecution story, in brief, is that on 10.01.2020



at about 8.00 A.M., the informant aged about 15 years, had gone to fetch soil for domestic purpose. The petitioner objected in collecting soil and started abusing and assaulting her. She stated whole occurrence to her parents that the petitioner used to tease her since two years and made physical relation with her. The petitioner in absence of her parents used to enter in her house and commit rape on her.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 11.02.2020. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per F.I.R., physical relationship is alleged to have been established two years prior to institution of the present case. Prior to institution of the present case, a *panchayati* was held and the matter was settled between the parties, the same is annexed as Annexure-2 to the present application, where the *Nikah* of the victim is alleged to have been made with the petitioner. Subsequently, the victim has been examined under Section 164 of Cr. P.C. There are vast contradictions in between the statement of the victim and the allegation made in the F.I.R.



The victim has been examined by the Medical Officer. As per the medical examination report neither there is medical evidence to suggest that the victim has been subjected to rape nor there is positive finding on the point of commission of rape.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO) Act, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 79/2020.

(Sudhir Singh, J)

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