

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58113 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA P.S. District- Sitamarhi

MD. SHAHJAD Son of Md. Neyaz Khan Resident of Village - Talkhapur,
P.S.- Punaura, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Thakur
For the Opposite Party/s	:	Mr. Anil Kumar
For the Informant	:	Mr. Santosh Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-01-2020 Petitioner seeks bail in connection with Sitamarhi Mahila P.S. Case No. 14 of 2019 registered for the offences punishable under Sections 341, 323, 376, 504/34 of the Indian Penal Code and Sections 6/8 of POCSO Act.

As per FIR petitioner forcibly committed rape upon the informant, who is minor.

Submission of learned counsel for the petitioner is that there is delay of 18 days in lodging of FIR and no plausible explanation has been given for the same. Moreover, there is contradiction in her statement before police and under Section 164 Cr.P.C. as in written report she has stated that she was taken by the petitioner to his house while she was going to call of nature and committed rape upon her, whereas in her statement recorded under Section 164 Cr.P.C. she has stated that she was taken away from the



house. It is further submitted that she is major, which will appear from her statement recorded under Section 164 Cr.P.C. and reason behind lodging of FIR is that informant was trying to get her divorced sister married with the petitioner, which he has refused and for that the present case has been filed and petitioner is in custody since 5.7.2019.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for bail stating that victim girl was minor.

In view of above facts and circumstances, let petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge-I, Sitamarhi, in connection with Sitamarhi Mahila P.S. Case No. 14 of 2019, subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the court concerned and further condition that he has to co-operate in disposal of the trial and appear in court as and when required, otherwise his bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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