

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76262 of 2019

Arising Out of PS. Case No.-279 Year-2018 Thana- UCHKAGAON District- Gopalganj

NAFISH ALAM @ NASIM ALAM @ GUDDU Son of Mohammad Alam
Resident of Village - Birawat Bazar, P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Yadav

For the Opposite Party/s : Mr.Dinesh Singh

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

ORAL ORDER

3 27-05-2020

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
Uchakagaon P.S. Case No. 279 of 2018, registered under
Sections 376 and 354/34 of the Indian Penal Code and
Sections 3/4-5(M)(n)/6 of the POCSO Act.

The accusation is that petitioner being the co-
villager of informant developed physical relation with the
informant before one year on the assurance to perform
marriage. On 01.10.2018, when informant was going to village
of her maternal uncle then petitioner Nafish Alam @ Guddu
informed her about illness of her mother and carried her at
Birwat Bazar and from there petitioner took her Saharsa and
on assurance to perform marriage used her sexually. After five



days, Akbar Alam @ Jhunu, Sagir Alam and Manjur Alam came with Bolero vehicle and took her on pretext to perform Nikah, but they left her in the way. Thereafter, she reached at her house and informed the incident.

Submission is that, in fact, due to love affairs, the informant left her house according to her sweet will with the petitioner and later on petitioner showed his willingness to perform Nikah, but parents of informant were not ready and on their instigation, the informant lodged the present case. Moreover, in the Medical Examination, the age of the informant was assessed in between 19 to 20 years and the petitioner is in custody since 26.09.2019.

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 learned Addl. Sessions Judge-I-cum-Special Judge, Gopalganj in connection with Uchakagaon P.S. Case No. 279 of 2018.

(Rajendra Kumar Mishra, J)

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