

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81721 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

MD. ARSHAD @ MOHAMMAD ARSHAD @ ARSHAD Son of Late
Gaffar Resident of Mohalla - Imamganj, Police Station - Town, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-01-2020

Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered
for the offence punishable under Sections 376,506,34 of the IPC and
4/5 of the POCSO Act.

Informant who is victim in her written complaint as
alleged that petitioner lives in Saudi Arabiya and had promise to
marry him and at his instance Sanjida and his mother took her to the
petitioner and he promised her for marriage and thereafter established
physical relation with her. However, subsequently he denied to marry
her and on 11.10.2018 he committed wrong with her and on raising
alarm by her neighbours assembled and she was rescued.

It is submitted on behalf of the petitioner that petitioner is
innocent and has been falsely implicated in this case. The father of
the victim had taken loan and when he asked him to repay the loan,
present case was concocted against him. The victim was examined by



the medical board and had found her age to be as 18 years and no external or internal injury was found. Medical officer has found that there is no scratch mark or mark of injury on face, chest, neck or any part of the body. Petitioner is in custody since 30.09.2019 and has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bonds of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Mahila P.S. Case No.56 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Prakash Narayan /-

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