

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77535 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- BEERPUR District- Begusarai

Md. Alim @ Md. Kalim, Son of Md. Kalim, Resident of Village - Mohapur,
P.S.- Muffasil, Distt.- Begusarai, Presently resident of Village - Sikrahula,
P.S.- Birpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh

For the Opposite Party/s : Mr.Ashok Kumar

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

ORAL ORDER

5 28-05-2020 Heard, Dr. Amrendra Kumar, learned counsel for the

petitioner as well as learned A.P.P. for the State assisted by Mr.

Randhir Kumar No.1, learned counsel for the informant.

The petitioner is accused in connection with Birpur
P.S. Case No. 16 of 2019, registered under Sections 376 and
506/34 of the Indian Penal Code and Sections 4, 8 and 12 of the
POCSO Act.

The accusation is of committing rape on Sanjeeta
Khatoon, aged about 17 years, by the petitioner on assurance to
perform the marriage and at that time, petitioner also handed
over a mobile set with SIM bearing no. 09939306693.
Thereafter, petitioner always used to talk with the informant
through aforesaid mobile and in that course, petitioner also used



to develop physical relation with her. After some time, informant narrated the whole incident to her parents then her parents went at the house of the petitioner and made complaint then the family members of the petitioner became adamant and refused to perform the marriage of the petitioner with the informant.

Learned counsel for the petitioner submits that it would appear from the FIR and the statement of informant recorded under 164 Cr.P.C. that there was friendship in between the petitioner and the informant and when the parents of the petitioner denied the proposal of Nikah then the present case has been lodged with false allegation. Further submission is that the age of the informant has been assessed in between 17 to 19 years. Further submission is that on investigation, the charge sheet has been submitted against the petitioner.

On the other hand, learned A.P.P. assisted by Mr. Randhir Kumar No.1, learned counsel for the informant, opposed the prayer for bail with submission that at the first time, when the petitioner committed rape at the informant, she was minor.

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 Special Judge, POCSO, Begusarai, in connection with Birpur P.S. Case No. 16 of 2019. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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