

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81505 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- DAGARUA District- Purnia

MD. MOSABBIR @ MD. MOSOWWER, aged about 26 years, Male, Son of
Sakh Salim, Resident of Village - Ichalo Kariyat, P.S.- Dagarua, District-
Purnea ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Nadimul Hasan, adv.
For the Opposite Party : Mr. Raj Ballabh Singh, APP

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

ORAL ORDER

4 01-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video
conferencing.

The petitioner seeks pre-arrest bail in connection with
Dagarua P.S. Case No. 44 of 2019 (Special POCSO Case No. 22
o 2019), registered under Sections 376 of the Indian Penal Code
and 4 of the Protection of Children from Sexual Offences Act,
2012.

The accusation is that while the
complainant/informant, aged about 16 years, was alone at her
house before two months from 31.10.2018, at that time, her
neighbour, Md. Mosabbir (petitioner) caught hold her and took
her in the paddy house and committed rape. When she started
weeping, the petitioner gave assurance to perform marriage.
Thereafter, she narrated the incident to her parent and



Panchayati was arranged in which Md. Mosabbir (petitioner) admitted his guilt and also became ready to perform marriage, but, his family members refused to perform the marriage.

Submission is that it would appear from the complaint petition that the complaint was lodged on 20.12.2018, after four months of the occurrence, which is the basis of the first information report. Further, submission is that in fact, parents of the complainant/informant gave proposal to the parents of the petitioner to perform the marriage of the petitioner with the complainant/informant, but, parents of the petitioner refused the proposal, due to that reason the parents of the complainant/informant managed to lodge the present case with false allegation. In medical examination, the age of the complainant/informant was assessed 17 years and no sign of rape was found.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Dagarua P.S. Case No. 44 of 2019 (Special POCSO Case No. 22 of 2019) shall 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



Additional Sessions Judge I-cum-Special Judge, POCSO Act,
Purnea, or the successor Court subject to the conditions as laid
down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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