

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33977 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- BAHADURGANJ District- Kishanganj

BADAL @ RAZALI IMAM S/o Islam @ Islamuddin Resident of Birpur,
P.O.- Bishanpur, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate.
For the State : Mr. A.M.P. Mehta, A.P.P.

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

ORAL ORDER

3 08-02-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 09.12.2020/05.02.2021, within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Bahadurganj P.S. Case No.63 of 2020 registered under Sections 376, 341, 323 and 504/34 of the Indian Penal Code besides Section 4 of the POCSO Act.

The accusation is that the victim/informant, who was student of Class-IX, was returning to her house, on 27.02.2020, from Bishanpur High School. In the way, at about 01.00 P.M.,



the petitioner caught hold the victim/informant and took her into a bush, where this petitioner started to commit rape on her in spite of protest being made by the victim/informant. In the meantime, Malti Devi, the co-villager of the victim/informant, who was passing nearby the bush, saw the incident and tried to catch hold the petitioner but the petitioner succeeded to flee away. Thereafter, the victim/informant came to her house along with Malti Devi and disclosed the incident to her grandfather and grandmother, who, thereafter, along with the victim/informant went to the house of the petitioner but the family members of the petitioner abused them, however, the neighbours made intervention. When the grandfather of the victim/informant along with her proceeded for Bahadurpur Police Station, then Sarpanch stopped them and asked to solve the dispute in the Panchayati but in spite of passing over of four days, no Panchayati was held and the victim/informant gave an application at the Police Station on 02.03.2020.

Learned counsel appearing on behalf of the petitioner submits that, in course of investigation, the statement of the victim/informant was recorded under Section 164 of the Code of Criminal Procedure, in which she has stated different story saying that the petitioner being the Painter had come to her



house to take water. At that time, the petitioner supplied his mobile number to her and, thereafter, both started talking to each other on phone. The petitioner also assured her to perform Nikah with her but, later on, she came to know that the petitioner is already married and he has three-four children. Further submission is that, in fact, the victim/informant, whose age, in medical examination, has been assessed between to 17-19 years, wanted to perform the Nikah with the petitioner but the petitioner was not ready, due to that reason, this false case has been lodged by the victim/informant. The petitioner has no criminal antecedent and is in custody since 04.03.2020.

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 Additional Sessions Judge-I-cum-Special Judge, Kishanganj, in connection with Bahadurganj P.S. Case No.63 of 2020.

(Rajendra Kumar Mishra, J)

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