

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33838 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- WARISNAGAR District- Samastipur

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MOHHAMMAD KALIM @ MD. AZAD S/o Akhtar Ali R/o Ram Nagar,
P.S.- Warisnagar, District- Samastipur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar, Adv.
For the Informant	:	Mr.Rana Sanjay Kr. Singh, Adv.
For the State		Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 09-05-2022 The applicant/accused in Crime No. 15 of 2020 registered with Warisnagar Police Station for the offences punishable under Sections 363, 366(A), 376 of the Indian Penal Code as well as Section 4 of the POCSO Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused, learned Additional Public Prosecutor appearing for the State as well as learned counsel for the first informant.

Learned counsel for the applicant argued that in the FIR, father of the victim female child has stated that the incident took place in the night hours of 11.01.2020 and particularly around 3:00 A.M. whereas the victim is stating the



time of the incident as 5 P.M. of 11.01.2020. It is further argued that the victim has been married on 21.11.2020 and, therefore, the applicant is entitled for bail.

I have heard the learned Additional Public Prosecutor as well as the learned counsel for the first informant and perused the case diary.

According to the medical evidence collected by the prosecution, the victim of the crime in question is a female child aged about 16 to 17 years. Her statement has been recorded during the course of investigation. She has stated about the overt-act of the applicant in taking her away on the pretext of accident of her father and subsequent incidents which took thereafter including commission of penetrating sexual assault on her by the applicant.

In this view of the matter, no case for grant of bail is made out. The application is rejected.

(A. M. Badar, J)

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