

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43937 of 2022

Arising Out of PS. Case No.-14 Year-2018 Thana- MAHILA P.S. District- Araria

MD NAIYAR ALAM Sonof Late Md. Irfan Resident of Village - Chilhaniya
Tola- Mongra, Ward No.06, P.s.- Mahalgaon, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376/34 of the Indian Penal Code & Section 3/4 of the POCSO Act.

Allegations against the petitioner are that he made physical relation with the victim on the pretext of solemnization of marriage, who is allegedly minor.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to village politics. He has got no criminal antecedent. As per the Medical Report, doctor opined that the age of victim is about 20 years. It is further submitted that the FIR has been lodged delay of about 6



months and despite the efforts have been taken by the I.O. to get the statement recorded under section 164 Cr.P.C. of the victim but due to her non-availability, statement could not be recorded. It is further submitted that the petitioner is languishing in judicial custody since 30.5.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Araria (Mahila) P.S. Case No. 14 of 2018 (Special POCSO No. 05 of 2018) on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special POCSO Judge, Araria.

(Sunil Kumar Panwar, J)

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