

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54391 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA PS District- Khagaria

Md. Aftab Alam @ Md. Aftab S/O Kare Miyan @ Md. Siraj @ Siraj Miyan
R/O Village- Kulhariya, Ps. Parbatta, Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Roushan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-08-2023 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 493, 376, 420, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per FIR, the allegation against the petitioner is that he established physical relation with the victim on false pretext of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both belong to Muslim sects and due to village politics the petitioner has falsely been implicated in this case. As per



statement of the victim recorded under Section 164 of the Cr.P.C., which is mentioned in impugned order, wherein victim stated that she was in contact with the petitioner from last two years and she has consensual relation with the petitioner. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 09.02.2023.

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 as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 08 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO, Khagariaya.

(Sunil Kumar Panwar, J)

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