

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16341 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- BALIA BELON District- Katihar

MD. ANIS S/O MD. MUSFIK R/O VILLAGE- SIKARPUR, P.S- BALIA
BELON, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Balia Belon P.S. Case No. 88/2023 dated 05.07.2023 registered for the offences punishable under sections 376, 420 and 120B of the Indian Penal Code and section 4/8 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have sexually exploited the minor daughter of the complainant on the false pretext of marriage for the last seven months. On 09.01.2023, when the petitioner called the complainant's daughter to Bamboo Orchard and was trying to commit rape with her, he was caught red handed by the family



members of the victim. There is further allegation of demanding a Apache motorcycle worth Rs. 2,40,000/- and two and half bhar gold as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the victim. As per Muslim law, 15 years old girl can marry when she attains the age of puberty without the consent of her guardian. The petitioner is ready to keep the complainant daughter with full honor and dignity. As per medical report external examination of private part shows no mark of injury in or around external genitalia, hymen was torn and vagina was loose. There is a delay of seven months in lodging the complaint case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that as per medical examination report, the victim is minor girl and her age is shown as 15-16 years.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Balia Belon P.S. Case No. 88/2023, with a condition:

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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