

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84263 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- AMAUR District- Purnia

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Ashique @ Md. Ashique Alam @ Ashique Alam S/o- Md. Sajid Alam @
Sajid R/o - Gerua, Ward No.02, P.S - Amaur, District - Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jhumari W/o- Juber Alam Village- Palsa W.No-1, P.S.-Amaur Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Deepankar Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-02-2025 Heard learned counsel for the petitioner, Mr. Sanjay Kumar Pandey, learned APP for the State and Mr. Deepankar Raj, learned counsel for the Informant.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 376-D and 379 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter to be referred as POCSO Act).

3. The case of the prosecution is that when the minor daughter of the informant gone to ease herself, two persons arrived there and took her to maize fields and committed rape with her.

4. Learned counsel appearing on behalf of the



petitioner has submitted that during course of investigation the victim has given her statement under Section 161 and 164 Cr.P.C.. The version of the victim under Section 161 and 164 Cr.P.C. is somewhat different. In statement under Section 161 Cr.P.C. the victim has stated that two persons came, grabbed her mouth and took her to silent place where the petitioner with one another committed rape with her. They also took her valuables. In her statement under Section 164 Cr.P.C. she has stated that she was taken in a vehicle. From the statement of the victim under Section 164 Cr.P.C. she has stated that this petitioner has snatched her chain, phone and cash of Rs.10,000/-. She has stated that while she had gone to ease herself she had put Rs.10,000/- in her pocket. She has also stated that her father is a mason and he earns Rs.500 daily. In last she has stated that she has filed this case when the petitioner has married. The medical examination of the victim had been conducted and in that medical examination her age was assessed as 18-20 years and Doctor has found no injury on private part of the victim. The petitioner is a man of clean antecedent and is in custody since 26.09.2024.

5. The application for bail is opposed by learned APP for the State. Learned counsel for the Informant has also



vehemently opposed the bail application.

6. Having heard learned counsel for the parties and considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged 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 learned court of Additional Sessions Judge-VII-cum-Special Judge (POCSO), Purnea in connection with Amaur P.S. Case No. 119 of 2024.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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