

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29511 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Badhu Patel, S/O Late Shiv Patel, Resident of Village- Makari Tola
Lauriya, P.S.-Lauriya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Pranav Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 29-10-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 342, 323, 324 and 376/511 of the
I.P.C and section 8 of Protection of Children from Sexual
Offences Act.

Allegedly, the petitioner being father of the victim girl
was trying to commit rape with her which was noticed by mother
of the victim then mother of the victim was assaulted by *Dabia* on
her head.

Submission is of false implication and that only on
suspicion he has been implicated in this case. The petitioner was

protesting the illegal act of his wife and then she lodged this false case. No offence under sections 376/511 I.P.C. is made out as the victim has stated that her father started altercation with her, but now good sense has prevailed and the informant has filed compromise petition in this case before the learned court below.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District & Sessions Judge-Cum- Special Judge, Bettiah, West Champaran in Lauriya P.S. Case No. 15 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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