

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32181 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

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1. Ashok Kumar Son of Raghunath Sah Resident of Village- Gobarsahi,
P.o. Khabra, P.S Sadar, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Musahari
P.S. Case No. 63 of 2015 registered for the offence punishable
under Sections 376/34 of the Indian Penal Code and Section 4 of
POCSO Act.

Allegedly, the cook Baiju Baitha raped the victim and
the petitioner and other co-accused helped Baiju Baitha in fleeing
away from the place of occurrence. The petitioner has not even
touched the body of the victim.

Submission is that similarly situated co-accused
Lakhan Mahto, Arbind Kumar and Suresh Ram have been allowed
bail by another co-ordinate Bench of this Court and the petitioner
having no criminal antecedent is suffering in custody.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO Act, Muzaffarpur in connection with Musahari P.S. Case No. 63 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.

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(Jitendra Mohan Sharma, J)

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