

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41436 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -BIHARIGANJ District- MADHEPURA

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1. Md. Saukat @ Md. Saukat Ali Son of Md. Islam Resident of village
Kusthan P.S. Bihariganj, District Madhepura. (Bihar)..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bihariganj
P.S. Case No. 132 of 2014 registered for the offences punishable
under Sections 341, 448, 354 B, 354 D of the Indian Penal Code
and Sections 3(i) (xi) of SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioner and other co-accused used to
tease the daughter of the informant and on 04.08.2014 in the night
the petitioner and other co-accused entered into the house and
started removing the cloth of Kavita Devi the daughter of the
informant and further started rubbing his body gently then she
raised alarm and the accused persons fled away.

Submission is of false implication and that the FIR
has been lodged after delay at the instance of Mukhiya of Kusthan.
The petitioner is in custody since 28.11.2014. Chargesheet has

already been submitted and there is no chance of tampering with prosecution evidence. The witnesses namely, Md. Firoj, Md. Sultan and Md. Muslim have stated regarding innocence of the petitioner and other co-accused vide para 21 to 23 of the case diary and as such the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, 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 Sri Pradeep Kumar Chaudhary, J. M. Ist Class, Uda Kishanganj in connection with Bihariganj P.S. Case No. 132 of 2014, 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)