

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49705 of 2015

Arising Out of PS.Case No. -350 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Bipin Prasad Son of Late Shivji Sah Resident of Village - Chhapra Bahas,
Police Station - Sugauli, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sugauli
P.S. Case No. 350 of 2014 registered for the offence punishable
under Section 366(A)/34 of the Indian Penal Code.

Allegedly Pooja Kumari aged 15 years, the daughter of
the informant became traceless when she has gone to offer puja
and on enquiry it reveals that the petitioner and others have taken
away. The statement of the victim after release has been recorded
under Section 164 Cr.P.C., wherein she has stated the name of the
petitioner.

Submission is of false implication due to land dispute.

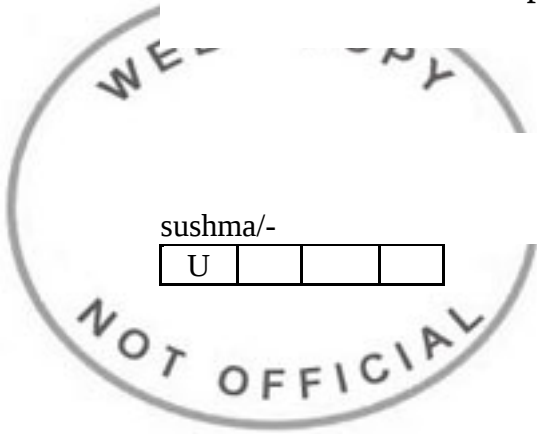


There was no motive for the occurrence. The victim has not stated that any overt act was committed against her. Other co-accused has been allowed bail by the court below and now the case has been compromised which is evident from order dated 04.03.2015 passed in A.B.P. No. 104 of 2015 and, as such, the petitioner, who is suffering in custody since 13.07.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that on the basis of compromise, co-accused Pravesh Prasad has been allowed bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Chief Judicial Magistrate, East Champaran, Motihari arising out of Sugauli P.S. Case No. 350 of 2014 subject to the conditions that one of the bailors must be 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)