

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28370 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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Md. Tanweer son of Aminuddin Resident of village - Chainpur, P.S. - Mahalgaon, Dist - Araria.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. R.P.S.Singh (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-10-2015 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 363, 365, 366 (A)/370 (4) of the Indian Penal Code and Sections 10/12 of the Protection of Children from Sexual Offences Act.

Allegedly, the daughter of the informant who is aged about 10 years went Jokihat Market with her maternal grandmother (Nani) Bibi Sadika but in the market she became traceless and during search it was found that at Zero Mile there was a crowd and people have caught the petitioner and the daughter of the informant when the petitioner was forcibly trying to take away her on Bus.

Submission is of false implication and that due to

local politics and with some ulterior motive, the petitioner has been implicated the petitioner saw the victim girl weeping and then he thought to bring her at her residence but she did not stop her weeping resulting the people caught the petitioner on suspicion. He is in custody since 21.05.2015.

The learned A.P.P., duly assisted by learned counsel for the informant, opposed the prayer of bail by submitting that the victim girl in her statement recorded under Section 164 Cr.P.C. has alleged that the petitioner has forcibly brought her at Araria Zero Mile from Jokihat and further the petitioner was alluring her to purchase articles for her.

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 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 the learned 1st Additional Sessions Judge, Araria in connection with Araria Mahila P.S. Case No. 21 of 2015 giving rise to Special Posco Case No. 9 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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