

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50540 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -DEO District- AURANGABAD

1. Ajit Sharma @ Rampati Sharma, S/o Bigan Sharma, R/o Village- Erora,
P.S.- Deo, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. B.Ram (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-12-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as also learned counsel for the informant.

The petitioner seeks bail in a case for the offences punishable under sections 341, 354 and 354-A of the I.P.C and section 8 of POCSO Act.

Allegedly, when the informant, a minor girl aged about 14 years, was coming after taking milk to her house in the way the petitioner caught her and used criminal force to outrage her modesty and further touched her breast resulting the informant raised alarm and then the petitioner fled away.

Submission is of false implication and that due to village politics the petitioner has been implicated, during investigation no independent witness has supported the case of the prosecution and who have supported are all family members of the

informant, the case was lodged after delay of 12 hours, the petitioner was arrested from his house in the same morning, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and the petitioner by remaining in custody at this stage has been sufficiently penalized and as such he 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 Special Judge, POCSO Act, Aurangabad in Deo P.S. Case No. 38 of 2015/ G.R. No. 27 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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