

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48278 of 2014

Arising Out of PS.Case No. -139 Year- 2014 Thana -SANDESH District- BHOJPUR

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1. Md. Ajmat Alam @ Ajmat Ali @ Ajmat Alam S/o Md. Gulser Mian
2. Md. Gyani S/o Md. Khusoo @ Md. Khusru Both Resident of Village
Tirthkaul, Police Station Sandesh, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 18-03-2015 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence punishable under Section 376/34 of the Indian Penal Code and Sections 6, 8 and 10 of the Protection of Children from Sexual Offence Act, 2012.

The allegation against the petitioners is to have committed rape upon the informant.

It is submitted that the petitioners have been falsely implicated in this case. During investigation the victim has been examined under Section 164 Cr. P.C. in which she has stated that Sarfaraz has committed rape and the petitioners have only assaulted her. After investigation chargesheet has been submitted against the petitioners under Sections 354, 354A and 354C of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offence Act. The petitioners have no criminal antecedents and they are in custody since 8.10.2014.

Considering the facts and circumstances of this case, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Ara, Bhojpur in Sandesh P. S. Case no. 139 of 2014 with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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