

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17096 of 2015

Arising Out of PS.Case No. -548 Year- 2014 Thana -BARACHATTI District- GAYA

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Md. Akram @ Sheru S/o Nessar Ahmad Md. Nisar r/o Village Bagula P.S.
Mohanpur (Barachaty) Distt Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mrs. Anuradha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 376(D) of the Indian Penal Code, Section 3(1)(12) of the SC/ST Act and Section 6 of the POCSO Act.

The petitioner is not named in the F.I.R. During the course of investigation, three witnesses have disclosed that the petitioner and other accused persons, namely, Bablu @ Md. Ashif Jaya and Upendra Kumar @ Rocky were found in suspicious condition near the place of occurrence. On such, the petitioner and other two accused persons were apprehended but the petitioner has not been put on T.I.P. The occurrence took place on 27.11.2014. The victim did not participate in the T.I.P. as it appears from para 93 of the case diary. It is submitted that from perusal of para 110 of the case diary, it appears that the victim made her statement on

20.12.2014 and disclosed the names of the petitioner and two other accused persons. If the informant knew the name of the petitioner, she could have disclosed the same in her Fardbeyan itself. It is further submitted that similarly situated two accused persons, namely, Upendra Kumar @ Rocky and Md. Ashif Jaya @ Bablu have already been enlarged on bail in Cr. Misc. No. 15548/2015. The case of the petitioner stands on the same footing.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 Addl. Sessions Judge 1st-cum-Special Judge, POCSO Act, Gaya in Barachatty (Mohanpur) P.S. Case No. 548 of 2014, corresponding to POCSO Trial No. 27/14.

Dilip/-

(Prabhat Kumar Jha, J)

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