

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38889 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

=====

Sheikh Bhuwan @ Sheikh Bhuan S/o Late Sheikh Taiyab Resident of
Village Ajarwa, P.S. Banjariya, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma

For the Opposite Party : Mr. Ataur Rahman(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015 Heard the counsel for the petitioner and counsel for the
State.

The petitioner is languishing in jail since 15.02.2015 in
a case instituted under Sections 366A and 376(i) of the Indian
Penal Code and Sections 4, 6, 8, 10 and 12 of The Protection of
Children from Sexual Offences Act, 2012 (POCSO Act).

As per the prosecution case, it is a case of rape upon
Ahna Begum who is aged about 13 years by the accused persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 15.02.2015. Chargesheet has
been submitted in the case. There is no allegation of tampering of
evidence against the petitioner. Petitioner has falsely been
implicated by his wife in the present case instituted by his

daughter. The informant of the case is an NGO known by the name Child Line. The victim has not been examined under Section 164 Cr.P.C, nor she has been medically examined by the doctor to ascertain the allegations made by the said NGO at the instance of the mother of the victim. There is admitted difference between the petitioner and the mother of the victim, hence the present case has been instituted. It is further submitted that the petitioner may be released after completion of nine months in custody from 15.02.2015.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances, it is directed that the petitioner be released after completion of nine months in custody from 15.02.2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction learned Ist Additional Sessions Judge-cum-Special Judge, under POCSO Act, West Champaran, Bettiah in connection with Bettiah Mahila P.S.Case No.03 of 2015 (S.G.R.No.13 of 2015).

(Sudhir Singh, J)

B.Kr./-

U		T	
---	--	---	--