

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.774 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -MAHILA P.S District- SUPAUL

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1. Dilip Kamat son of Sadanand Kamat Resident of village - Bhelahi, Ward No. 19, P.S. and District - Supaul..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 10-03-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Mahila P.S. Suppaul Case No. 86 of 2015 registered for the offences punishable under Sections 341, 323, 376, 511, 307, 379 of the Indian Penal Code and Section 8 of POCSO Act.

Allegedly, the petitioner tried to commit rape with the informant and when she was crying the petitioner started pressing her neck to kill her but due to assemblage of chaukidar and other villagers the informant was saved.

Submission is of false implication and that during investigation the witnesses namely, Safni Khatoon and Luxman Marik have stated that the petitioner was in drunken state, the doctor has not found any obvious injury on the body of the informant, the petitioner was arrested from his house on

05.11.2015 and is suffering in custody since 06.11.2015 having no criminal antecedent.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Ist, Supaul in connection with Mahila P.S. Supaul Case No. 86 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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