

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4213 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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1. Baba Alam @ Adil Haque Son of Ansarul Haque@Tantan Resident of Village- at Purani Quila P.s - Siwan town, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-03-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 341, 323, 307 and 326 (a)/34 of the I.P.C and section 12 of the POCSO Act.

Allegedly, Noori Khatoon, aged 11 years, was taken away to Delhi by the daughter of her aunt (Mousi) where the petitioner and his sister used to burn her by tying hands and her Mousi was getting her treated in her house but when her mother got the knowledge she brought her at Sadar Hospital.

Submission is of false implication and that this case has been lodged only with a view to grab the house, without any fault the petitioner is suffering in custody since 10.07.2015 and

has also been sufficiently penalized, other co-accused have been allowed bail, the doctor has found the injury simple in nature, charge sheet has already been submitted and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the injury found on the person of the victim was simple in nature and as such considering detention of the petitioner, now 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 Additional Sessions Judge- Cum- Special Judge, Siwan in Siwan Mahila P.S. Case No. 116 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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