

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5941 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -AMDABAD District- KATIHAR

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1. Sonu @ Md. Sonu @ Sk. Sonu Son of Sk. Rabul @ Rabbul r/o Village -
Bariya, P.S. - Amdabad, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Amdabad P.S. Case No. 124 of 2015 registered for the offences punishable under Sections 365, 366(A)/34 of the Indian Penal Code.

Allegedly, Kahkasa Khatoon, aged 13 years was taken away by the petitioner but she was recovered from the house of her maternal grand father and then the case was lodged. The statement of the victim girl has also been recorded under Section 164 Cr.P.C., wherein she has supported the allegation of kidnapping but has not stated anything regarding sexual assault against her by the petitioner or any one and further she has not disclosed as to how she was released from the captivity of the petitioner and others.

Submission is of false implication and that the informant and the victim girl due, to earlier dispute have implicated the petitioner resulting he is suffering in custody since 14.10.2015 to which the learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that in this case after completing investigation the charge-sheet has been submitted under Section 376 IPC and 4 POCSO Act.

In the facts and circumstances stated above considering that the victim girl has not stated regarding any sexual assault committed against her and as such the petitioner 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 Judicial Magistrate, 1st Class, Katihar, in connection with Amdabad P.S. Case No. 124 of 2015 subject to the conditions that one of the bailors must be 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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