

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7499 of 2016**

Arising Out of PS.Case No. -363 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

1. Shaniprakash Jha @ Sintu (but the police has wrongly named as Shaniprakash Jha @ Sintu) son of Sri Laxman Jha, resident of village-Darhar, P.S.- Bahadurpur, District- Darbhanga

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ajay Kr. 1(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

4      21-06-2016      Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

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 section 376 (d) of the I.P.C read with sections 3 (a), 4, 5 (g) and 6 of the POCSO Act.

As per the First Information Report there is allegation of gang rape by four persons including the petitioner in presence of uncle of the informant.

Submission is of false implication and that the informant has been examined as P.W. 4 during trial besides other

witnesses and the informant has not supported the prosecution version and she has been declared hostile. The statements of the witnesses examined during trial are attached with the supplementary affidavit and as such the petitioner who is suffering in custody since 08.11.2015 deserves sympathetic consideration.

The learned A.P.P. after going through the copy of the deposition attached with the supplementary affidavit fairly submits that the informant and other private witnesses have turned hostile and have not supported the prosecution version.

In the facts and circumstances as stated above, now the petitioner 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 Special Judge (POCSO Act), Darbhanga in Bahadurpur P.S. Case No. 363 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)**

Abhay/-

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