

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8530 of 2016

Arising Out of PS.Case No. -693 Year- 2015 Thana -PHULWARI District- PATNA

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1. Bablu Sao son of Sh Gena Sao, Resident of Village Suraiti, P.S. Bhawanipur, District- Purnea & At Present Tahal Tola, P.S. Phulwari Sharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 02-05-2016

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 376 and 511 of the I.P.C and section 8 of the POCSO Act.

Allegedly, when the daughter of the informant, aged eight years, had gone to attend the call of nature in the meantime the petitioner tried to commit rape with her after opening her *Pant* but due to the alarm being raised the petitioner was caught.

Submission is of false implication and that due to ill motive and the enmity the petitioner has been implicated, the petitioner has been assaulted by the informant and his men and

thereafter he has been handed over to the police, there was dues as the petitioner has worked as labourer in the house of the informant and to grab that amount the petitioner has been implicated.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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 Additional Sessions Judge 1st, Patna in Special (POCSO) Case No. 132 of 2015 arising out of Phulwari Sharif P.S. Case No. 693 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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