

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11340 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -SC/ST District- BHAGALPUR
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1. Md. Manjur @ Md. Manjur Alam @ Manzoor Alam, son of Md. Jiyanant Sheikh @ Jiyanat Siekh Resident of Village- Jahangirpur Baisi, Police Station- Gopalpur (Rangra), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-05-2016 Supplementary affidavit has been filed on behalf of the petitioner, mentioning therein that the case has been compromised, let it be kept on record.

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

The petitioner seeks bail in connection with SC/ST Thana Naugachhia Case No. 17 of 2015 registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4/6 of POCSO Act and Section 3 of SC/ST Act.

Allegedly, the petitioner and co-accused Md. Ibran lifted Dulari Kumari aged 14 years and brought her in the field of Manejara and committed rape with her.



Submission is of false implication and that the victim has been examined under Section 164 Cr.P.C.P.C. wherein she has not stated that the petitioner committed rape with her rather she has stated that the petitioner was only watching that incident. The petitioner without any cause suffering in custody since 11.02.2016 after his surrender in the light of direction given in Cri. Misc. No. 226 of 2016. The petitioner has got no criminal antecedent

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner was also involved in taking away the victim girl.

In the facts and circumstances stated above, considering that the victim girl has not stated that the petitioner has committed rape with her and, as such, 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 1st Addl. Sessions Judge-cum-Special Judge (POCSO Act), Bhagalpur in connection with SC/ST Thana Naugachia Case No. 17 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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