

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13474 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -BALIA District- BEGUSARAI

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Rikki Khalifa Son of Mitan Khalifa, R/o Village Satti Chaura, P.S.- Balia,
District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 17-05-2016 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 366A, 372, 373, 376, 120-B of the Indian Penal Code and Sections 3/4/6 and 9 of the Immoral Traffic Act and also under Sections 4, 6 and 8 of POCSO Act.

At the very outset, it has been submitted that Puja Kumari, the victim girl has been examined as P.W.2 vide POCSO Case No.1 of 2014 wherein she has been declared hostile. Other witnesses have also not supported the prosecution version and, accordingly, co-accused Mittan Khalifa, Manjoori Khatoon and Jahana Khatoon have already been acquitted in this case and on that basis, the prayer of bail of similarly situated co-accused Rahul

Khalifa and further of Shankar Khalifa has been allowed by the learned court below itself vide order dated 21.12.2015, other co-accused have also been allowed pre-arrest bail.

In the facts and circumstances stated above, considering that during trial, the victim girl has not supported the prosecution version and retracted from her earlier version, and as such, the petitioner, above named, is also 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 Ist Additional Sessions Judge-cum-Special Judge, Begusarai in connection with POCSO Case No.05 of 2015 arising out of Ballia P.S. Case No.74 of 2014, 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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