

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55243 of 2015

Arising Out of PS.Case No. -259 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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Manish Kumar, son of Sukhnandan Sah, resident of Village- Amba, P.S.-
Hathauri, District- Muzaffarpur, at present C/o Raj Kumar Singh, son of
Late Kamal Singh, resident of village- Sahbajpur, P.S.- Ahiyapur, District-
Muzaffarpur..... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar

For the Opposite Party/s : Mr. Manish Kr. 2 (App)

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

ORAL ORDER

3 22-01-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Supplementary affidavit has been filed on behalf of
the petitioner which has been taken on record.

The petitioners seek bail in connection with Ahiyapur
P.S. Case No. 259 of 2015 registered for the offences punishable
under Sections 342, 376/511, 225, 120(B) of the Indian Penal
Code and under Sections 8, 10, 12, 17 of Protection of Children
from Sexual Offences (POCSO) Act.

Allegedly, the petitioner made an attempt to commit
rape with Madhu Kumari, minor granddaughter of the informant,
in presence of co-accused.

Submission is of false implication due to dispute
between the landlord and informant, the petitioner is the tenant
and he is suffering in custody since 27.03.2015 and has been

sufficient penalized as statement of the victim has not been recorded under 164 Cr.P.C. and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention of the petitioner and that the chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, 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 Special Judge, POCSO, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 259 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)

siddharth/-

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