

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8032 of 2016

Arising Out of PS.Case No. -455 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Jhunna S/o Muslim Miyan R/o Village: Chhapra Bahas, P.S.- Sugauli, Dist.
East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Manoj Kr. 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 455 of 2014 registered for the offences punishable under Sections 323, 354, 379, 366 and 363/34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences, 2012.

The prosecution case as lodged by the father of the victim is that on 13.12.2014 at about 7.15 PM in the evening, accused Abhinandan Prasad and his friend came at the door of the informant and took away his daughter Rubana Khatoon aged about 5 years. On hulla, raised by his daughter Rubana Khatoon, his elder daughter Najama Tara came out from courtyard, then



accused Abhinandan Prasad also took possession of Najama Tara and got them seated on the motorcycle bearing no. BR5-7975 and fled away. On hulla, raised by his daughters, nearby people Ali Hussain Dewan, Md. Kaish and other persons along with the shopkeepers gathered on the Chowk. The hulla, raised by nearby people, attracted the informant towards motorcycle which was being driven by co-accused, Abhinandan Prasad and on that motorcycle, both daughters of the informant were found sitting. Motorcycle was chased as a result of which, the accused threw both the daughters of the informant in the Wine Shop/Bhatti due to rush, snatching gold chain from the neck of the elder daughter and fled away.

It has been submitted by learned counsel for the petitioner that he is innocent and has been falsely implicated only on the basis of suspicion. It has further been submitted that the petitioner has no criminal antecedent as is evident from para-3 of this petition. The Counsel for the petitioner further contends that on the basis of confessional statement of the co-accused Abhinandan Prasad, the petitioner has been made accused in the present case and investigation against him, is still going on.

However, learned counsel appearing on behalf of the State opposes the prayer for bail of the petitioner submitting that

although the petitioner is not named in the First Information Report but the allegation is that another person accompanied the said Abhinandan Prasad.

Be that as it may since confessional statement of the co-accused has no evidentiary value in the eye of law, let the petitioner, above named, in the event of his arrest or surrender within a period of eight weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Sugauli P.S. Case No. 455 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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