

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7479 of 2016

Arising Out of PS. Case No. -70 Year- 2015 Thana -SAKARPUR District- DARBHANGA

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Mahesh Kumar Sahu son of Mahakant Sahu, resident of village-
Narayanpur, P.S.- Sakatpur, District- Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharmendra Jha, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 376 of the Indian Penal Code and Section 4/6 of the POCSO Act registered in connection with Sakatpur P.S. Case No. 70 of 2015.

3. It is submitted that the petitioner has been falsely implicated and has not been named in the first information report in which the entire accusation is against Surendra Singh. The falsity of accusation is evident from the compromise petition filed by the petitioner in which the version of the alleged occurrence has completely been changed and age of the informant's daughter has been given 20 years 5 months. The name of the petitioner has surfaced only on the extrajudicial

confession of the so-called victim girl.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Darbhanga in connection with Sakatipur P.S. Case No. 70 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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