

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13663 of 2016

Arising Out of PS.Case No. -481 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Jalauddin Mian @ Jalaluddin @ Jalalauddin Mian son of Salim Mian,
resident of village- D.K. Shikarpur, P.S.- Shikarpur, District- West
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the State : Mr. M.K. Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 31-03-2016 Learned counsel for the petitioner is permitted to make

necessary correction in paragraph 1 of the application in the

course of the day.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Shikarpur P.S. Case No.481 of 2015 registered under Sections
341, 323 and 504 of the Indian Penal Code as well as sections 8
and 10 of the Protection of Children from Sexual Offences Act,
2012 (for short “ Act of 2012”)

It is contended by learned counsel for the petitioner that



the offences alleged under the Indian Penal Code are all bailable in nature whereas offences under the Act of 2012 are not made out in the present case. It is further contended that Sections 8 and 10 of the Act of 2012 provide punishment for the offences under sections 7 and 9 of the Act of 2012. Section 7 of the Act of 2012 defines sexual assault whereas section 9 of the Act of 2012 defines the offences of aggravated sexual assault. It is contended that even if the entire allegations as alleged in the FIR are taken to be true, the ingredients of the offences punishable under sections 7 and 9 of the Act of 2012 are not attracted in the present case.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has contended that the issue as to whether ingredients of the offences of the Act of 2012 are attracted or not is not to be seen at the present stage as the matter is still under investigation.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner, namely, Jalauddin Mian @ Jalaluddin @ Jalalauddin Mian is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1, Bettiah, West

Champan in connection with Shikarpur P.S.Case No. 481 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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