

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19232 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -BARARI District- KATIHAR

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1. Md. Tahir @ Md. Tahir Alam, Son of Md. Majid, resident of Village-Bakiya Diyara, Police Station-Barari, District-Katihar, at present resident of Sadwa Katariya, P.S.-Rangra, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri
Jee (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 16-05-2016 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barari P.S. Case No.173 of 2015, disclosing offences under Sections 363, 347 and 120(B) of the Indian Penal Code and Section 4 of the POCSO Act.

A complaint case filed in English language by the complainant, who is said to be 15 years of age, is the basis for registration of the First Information Report.

Learned counsel for the petitioner appears to be right in his submission that the entire prosecution case is, *prima facie*, malicious and concocted. It has been submitted that the manner in which the complaint petition has been drafted, shows that the petitioner has been implicated in a well planned way.

Considering the submission, as above, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **Sri R.P. Singh, learned Special Judge, Katihar**, in connection with **Barari P.S. Case No.173 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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