

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44154 of 2016

Arising Out of PS.Case No. -209 Year- 2016 Thana -PIRO District- BHOJPUR

- =====
1. Hare Ram Sah, Son of Late Lakshman Sah
 2. Manish Tiwari @ Manish Kumar Tiwari, Son of Banshidhar Tiwari
Both are residents of Village- Lahari Tiwaridih, Police Station- Piro,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Adv.

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 05-10-2016 These are the applications, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Hare Ram Sah and Manish Tiwari @ Manish Kumar Tiwari, in connection with Piro Police Station Case No. 209 of 2016, under Section 376(2)I/34 of the Indian Penal Code and POCSO Case No.20 of 2016, under Section 4/6 of POCSO Act.

Perused the above application and materials on record.

Heard Mr. Ramashray Roy , learned Counsel for the petitioners, and Smt. Veena Kumari Jaiswal, learned Additional

Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named have been in custody since 02.07.2016 in connection with the case aforementioned and though *charge sheet* has been submitted, there are contradictions in the version given in the First Information Report and the statement of the victim recorded under Section 164 Cr.P.C., coupled with the fact that perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioners in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' liberty on bail would adversely affect their trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties each, each of the like amount, subject to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara, in connection with Piro P.S. Case No.209 of 2016 and POCSO Case No.20 of 2016.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, CJ)

K.C.jha/-

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