

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51193 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -BALIA District- BEGUSARAI

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Noor Khalifa, son of Mukhlal Khalifa, resident of Village- Katawa, Police Station- Kotwa in the District of Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 20.03.2016 in connection with Balia P.S. Case No. 62 of 2016 (POCSO Case No. 10 of 2016) registered for the offence punishable under Sections 341, 323, 363, 366A, 368, 370(A), 370(D), 372, 373, 120B/34 of the Indian Penal Code, Sections 3, 4, 5, 6 of the Immoral Traffic Act and Sections 4/8 of the POCSO Act.

The prosecution case is that informant was married to one Noor Alam but she ran away with the petitioner and was kept in the house of co-accused Shankar Khalifa where his wife and sons used to beat her and also forced her for prostitution.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It has further been submitted that other co-accused, including Shankar Khalifa have been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. Nos. 42145 of 2016 and other accused in Cr. Misc. Nos. 36064 of 2016 and 34114 of 2016 on 25.10.2016, 08.09.2016 and 29.09.2016 respectively. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that trial has not commenced as yet.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Perusal of the materials does not reveal such incriminating materials which would warrant further detention of the petitioner in custody and from perusal of material it also does not appear that the petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, POCSO Act, Begusarai in

connection with Balia P.S. Case No. 62 of 2016.

This direction for bail is further subject to the condition that petitioner 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 and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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