

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44098 of 2016

Arising Out of PS.Case No. -41 Year- 2013 Thana -TANDWA District- AURANGABAD

- =====
1. Binod Mushahar @ Binod Mushar, S/o Late Lakhan Mushahar
Resident of Village-Pokhar Nabinagar, P.S.-Nabinagar, District-
Aurangabad
 2. Kamta Mushahar @ Khatmutna @ Kamta Mushar, S/o Ram Swaroop
Mushahar Resident of Village-Tandwa, P.S.-Tandwa, District-
Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 05-10-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Binod Mushahar @ Binod Mushar and Kamta Mushahar @ Khatmutna @ Kamta Mushar, in connection with G.R. 1 of 2014, arising out of Tandwa P.S. Case No.41 of 2013, under Sections 395 of the Indian Penal Code and 4/8 of POCSO Act.

Perused the above application and materials on record.

Heard Mr. Bhaskar Shankar, learned Counsel for the petitioners, and Mr. Dashrath Mehta, 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 21.08.2013 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and similarly situated co-accused has been granted bail by a Bench of this Court by the order, dated 21.07.2015, passed in Cr. Misc. No.25060 of 2015, 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 the learned Special Judge, POCSO Act, Aurangabad, in connection with G.R. 1 of 2014, arising out of Tandwa P.S. Case No.41 of 2013.

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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