

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33002 of 2016

Arising Out of PS.Case No. -131 Year- 2016 Thana -RAJAULI District- NAWADA

1. Mantu Mian @ Md. Taushif Son of Safique Mian Resident of Village-
Mananpur, P.S. Rajauli District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rajauli P. S. Case No. 131/2016 registered for the offence
punishable under Sections 457/ 354 (A) (2) (3), 506/34 of the
Indian Penal Code.

The prosecution case as lodged on the basis of
written application by one Mahendra Prasad to the S.H.O., Rajauli
Police Station on 16.06.2016 is that on 9 P.M. his wife Mano Devi
had gone to sleep with her daughter Puja Kumari in the vacant
house of his elder brother. In the meanwhile a hue and cry was
made by his wife and daughter then informant reached in the
house and found that mob was gathered and had caught this

petitioner. When enquiry was made, it is informed that he and one of his companion caught his daughter Puja Kumari.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to village politics. He further submits that although the date of incident is 12.06.2016 but F.I.R. has been lodged on 16.06.2016 and no plausible explanation has been given for such delay. The petitioner was caught red handed, although his accomplice managed to have fled away. He further submits that Section 354 (A) (2) (3) and 457 of the Indian Penal Code is not attracted and no any overt act has been alleged to have been committed by the petitioner and that he has no criminal history as evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may that since delay in lodging of the F.I.R. caused suspicion, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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 Chief Judicial Magistrate, Nawada in connection with
Rajauli P.S. Case No. 131/2016, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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