

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45800 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -BIRAUL District- DARBHANGA

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1. Lalit Tanti S/o Triveni Tanti Resident of village Athar P.S. Birauli ,
District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 01-03-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 341, 323 and 377 of the I.P.C and section 3 (a) of the Protection of Children From Sexual Offences Act.

Allegedly, the petitioner committed unnatural sex with Aman Tanti, aged nine years, the son of the informant and for that there was panchayati wherein the petitioner was directed to pay Rs. 10,000/- but he paid only Rs. 5,000/- to the informant.

Submission is of false implication and that the occurrence is alleged to be of 19.05.2014 but the First Information Report has been lodged on 30.05.2014, during investigation the doctor who has examined the victim has not found any positive evidence of unnatural sex with the victim and further the

independent witnesses vide paragraphs- 38 to 43 of the case diary have stated that for irrigating wheat there was dispute between the parties which was settled but the informant lodged this false case, the petitioner is suffering in custody since 28.07.2015 and as such now he deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the delay in lodging of the First Information Report and further considering the statement of the independent witnesses and the medical evidence, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge- Cum- Special Judge (POSCO ACT), Darbhanga in Biraul P.S. Case No. 144 of 2014 arising out of Special G.R. Case No. 15 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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