

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32203 of 2016

Arising Out of PS.Case No. -147 Year- 2014 Thana -JANKINAGAR District- PURNIA

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Bauku Yadav @ Bauka Yadav, son of Rajendra Yadav, resident of Village-
Tin Kourma, Police Station - Janki Nagar, District- Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vikram Singh, Advocate

For the Opposite Party : Mr. Sri Bhanu Pratap Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-08-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 08.10.2015 passed in Cr. Misc. No. 26252 of 2015, on the ground that being the dumb, he is suffering in custody since 02.06.2015 and he has been made victim of the circumstances. In this case chargesheet has been submitted under sections 376/511 of the Indian Penal Code and 4/6 of the POCSO Act. Up till now there is no progress in the trial and in near future trial is not likely to be concluded. It is submitted that in the F.I.R., it has not been disclosed that the victim girl was deaf and dumb. There is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the custody of the petitioner and further that there is no chance of tampering with the prosecution evidence, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Purnia in Special Case No. 43 of 2014 (Arising out of Janki Nagar P.S. Case No. 147 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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