

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35037 of 2016

Arising Out of PS.Case No. -327 Year- 2014 Thana -MITHANPURA District- MUZAFFARPUR

=====

Md. Kaku @ Md. Konain S/o Md. Tanvir, R/o Imam Ganj, P.S- Town,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 341, 323, 379, 354D/34 of the Indian Penal Code and Section 12 of the POCSO Act.

Allegation is that some accused persons misbehaved with the school-going girls and when informant protested, he was assaulted, abused and also snatched away Rs.1000/- from his pocket by the accused persons.

Earlier bail application of the petitioner was rejected vide Annexure-1 to the present application with an observation to renew his prayer for bail after completion of one year in custody. In light of the said observation the present application has been preferred on behalf of the petitioner. A report was called for from the trial court and the same is at flag-A.

It has been submitted on behalf of the petitioner that petitioner is in custody since 11.11.2014 and he has remained in custody for one year and ten months. He has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner. Petitioner has sufficiently been punished for the alleged offence. Petitioner has been made accused due to

mistake of fact. Petitioner belongs to a labour class and is a daily wage earner. There is no one to take care of his family. Informant has not supported the prosecution case in course of trial.

On behalf of the State, it is submitted that petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge POCSO, Muzaffarpur, in connection with Mithanpura P.S. Case no. 327 of 2014.

(Sudhir Singh, J)

sudip/-

U		T	
---	--	---	--