

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16322 of 2016

Arising Out of PS.Case No. -145 Year- 2015 Thana -SHERGHATI District- GAYA

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1. Md. Laddu Mian, son of Md. Salim, Resident of village- Sone Khap, P.S.- Sherghati, District- Gaya, Bihar
 2. Md. Raja Mian, son of Md. Salim, Resident of village- Sone Khap, P.S.- Sherghati, District- Gaya, Bihar
 3. Md. Salim, son of Late Naseemuddin, Resident of village- Sone Khap, P.S.- Sherghati, District- Gaya, Bihar
 4. Munna Mian @ Sarbar, Son of Jasimuddin, Resident of village- Sone Khap, P.S.- Sherghati, District- Gaya, Bihar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Purushotam Sharma, Advocate
For the Opposite Party : Mr. Dinesh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 23-06-2016

Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Sherghati PS case no. 145/2015 registered for the offences punishable under Section 366(A)/34 of the Indian Penal Code and Section 3(2)(V) SC/ST Act.

Allegedly the minor daughter of the informant was kidnapped by the petitioners and Md. Sabu Alam. During investigation the statement of the victim

girl has been recorded wherein she has made allegation only against Sabu Alam and one another who fled away and Sabu committed rape with her and kept her confined at several places.

Submission is of false implication and that the victim girl has not stated the names of the petitioners in her statement recorded under Section 164 Cr.P.C., no offence as alleged is made out against the petitioners and as such they deserve sympathetic consideration.

Learned A.P.P. fairly submits that the victim girl in her statement recorded under Section 164 Cr.P.C. vide Annexure-2 has not stated the names of the petitioners.

In the facts and circumstances stated above, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st cum Special Judge (POCSO Act), Gaya arising out of Sherghati PS case no.

145/2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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