

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47542 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MAHILA PS District- BUXAR

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1. D. M. HASHMI @ KADIR HASHMI, S/o Manan Hashmi
 2. Kalam Hashmi @ Kadir Hashmi, S/o Munni Master all Chaugain, P.S.- Murar, District- Buxer.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ladali Khatoon, D/o Bhola Mian, resident of Village Chaugain, P.S. Murar, District Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-11-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in custody since 14.06.2016 in connection with POCSO Case No. 15/16, arising out of Buxar Mahila P.S. Case No. 42/16 for offences punishable under Sections 366-A, 372, 376, 328, 120-B/34 of the Indian Penal Code and under Section 4 of the POCSO Act, 2012.

The allegation, as made in the First Information Report, is based on the statement of the victim girl Ladli Khatoon made under Section 164 of the Cr.P.C. that the petitioners were instrumental in her taking away to the other co-accused Sanjay Thakur, who took her forcibly to Punjab and used to give

intoxicated injection.

It has been submitted by the learned counsel for the petitioners that they are innocent, have falsely been implicated in the aforesaid case and that they bear no criminal history. He submits that during course of investigation, it has been found that the victim girl went on her own sweet-will with the accused Sanjay Thakur, who was working in a dance party and the petitioners being the sons of the owner of the dance party, have falsely been implicated.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

From the materials available, it appears that the charge-sheet has already been submitted against them and from the materials it does not reveal that the liberty of bail would adversely affect their trial. Thus, in the interest of justice, petitioners, above named, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st, Buxar, in connection with POCSO Case No. 15/16, arising out of Buxar Mahila P.S. Case No.42/16.

This direction of bail is further subject to the

condition that the accused petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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