

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4041 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -PIPRA District- SUPAUL

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Chotken Khan Son of Majjo Khan, Resident of Village-
Thadhebbawanipur, P.S. Pipra, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. P.K.Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 18-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Supaul POCSO Case No. 22 of 2015 arising out of Pipra P.S. Case No. 133 of 2015 registered for the offences punishable under Sections 341, 323, 354-B and 506 of the Indian Penal Code and Section 8 of POCSO Act.

Allegedly, the petitioner tried to commit rape with Ansari Jehan Khanam, aged 15 years, the daughter of the informant and due to alarm being raised, nearby persons came then she was saved and in the occurrence her clothes were torn.

Submission is of false implication and that there is contradiction in the statement of the victim girl and place of occurrence is also changed, the petitioner is a law abiding citizen, having no criminal antecedent. The informant is a rich and strong

man whereas, the petitioner is poor, as a matter of fact, the petitioner was assaulted by the daughter of the informant and the informant lodged this false case resulting the petitioner is suffering in custody since 08.09.2015.

The learned A.P.P. fairly submits that considering the detention of the petitioner, now lenient view can be taken.

In the facts and circumstances stated above, considering the detention of the petitioner, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge, 1st Supaul in Supaul POCSO Case No. 22 of 2015 arising out of Pipra P.S. Case No. 133 of 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 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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