

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16701 of 2017

Arising Out of PS.Case No. -110 Year- 2016 Thana -DARBHANGA RAIL P.S. District-
SAMASTIPUR

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Md. Nazeer Shah @ Nazeer Sah, Son of Md. Abdul Lateef Sah, resident of
Village- Bechha @ Betha, P.S.- Parihar (Bela), District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ashhar Mustafa, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 17.12.2016 in connection with G.R.P.DBG (SMI) P.S. Case No. 110 of 2016 for the alleged offences under Sections 370, 374, 177/34 of the Indian Penal Code and Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. It is submitted that the petitioner has been falsely implicated as out of the 11 children said to have been accompanied by the five accused persons including the petitioner, the so-called child namely, Ijrail Sah is in fact of 24 years of age which has wrongly been stated as 14 years in the FIR as evident from the Voter ID Card (Annexure-2) issued on 06.09.2015 showing the date of birth as 01.01.1983. The said Ijrail Sah happens to be the first cousin of the petitioner, as stated in para 12 of the petition, and they travelled to Mumbai together. Similarly situated Kishan Kumar Sah, being one of the co-accused has been granted bail by the learned Additional Sessions Judge-VI, Samastipur in B.P. No. 24 of 2017.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 17.12.2016 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate (Railway), Samastipur in connection with G.R.P.DBG (SMI) P.S. Case No. 110 of 2016 on the following conditions :-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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