

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28850 of 2017

Arising Out of PS.Case No. -289 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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Md. Shahensah Son of Md. Rashid, Resident of Village- Chikni, P.S.- Sour
Bazar, District- Saharsa.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

5 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.07.2016 in connection with POCSO Case No. 35 of 2016
arising out of Sour Bazar P.S. Case No. 289 of 2016 for
offences punishable under Sections 363(A), 372 of the Indian
Penal Code later on Section 420, 376 I.P.C. and Section 4 of
POCSO Act was added.

The prosecution case, as lodged by the informant, is
that her 15 years old sister went to school but did not return. It



is alleged that the petitioner who was always after her sister must have kidnapped her for the purpose of marriage or any other motive.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. The trial is going on and four witnesses have already been examined and all of them have turned hostile. He submits that the trial is going on and the petitioner is ready to cooperate with the trial.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Saharsa in connection with POCSO Case No. 35 of 2016 arising out of Sour Bazar P.S. Case No. 289 of 2016, subject to the condition that one of the bailors would be a close relative of the



petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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