

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53054 of 2016

Arising Out of PS.Case No. -177 Year- 2016 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Jhunna Sah, son of Ganga Sah, Resident of Village- Mahuawa, Police
Station- Chanpatiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 25.09.2016 in connection
with Chanpatiya P.S. Case No. 177 of 2016 corresponding of S.G.R.
No. 33 of 2016 registered under Sections 67)a)(b) I.T. and 14 POCSO
Act.

According to the F.I.R., one Vikash Kumar told the
informant on 10.09.2016 at 7 A.M. that Rahul Kumar and Jhuna Sah
have posted a naked photograph of her daughter, who is of 17 years of
her age, on the internet.

Learned counsel for the petitioner has submitted that the
petitioner has falsely been implicated in this case due to village politics.
Though the name of this petitioner along with Rahul Kumar has been
named in the F.I.R. but there is no specific allegation against this



petitioner. Moreover, according to F.I.R., occurrence took place on 10.09.2016 and the written report has been submitted before the police on 23.09.2016 without explaining the delay in lodging the F.I.R. Even the victim in her statement in para-5 of the case diary has not named this petitioner for the alleged crime. Merely on the basis of suspicion and confession of the co-accused, Rahul Kumar, who has already granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. No. 51257 of 2016, this petitioner has been rotting in custody for the last four months.

Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st-cum- Special Judge, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 177 of 2016 corresponding to S.G.R. No. 33 of 2016.

(Arvind Srivastava, J)

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