

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2595 of 2017

Arising Out of PS.Case No. -142 Year- 2015 Thana -AMDABAD District- KATIHAR

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Shish Mohammad Son of Ataur Rahman Resident of Village- Ghasiya
Ghat, Police Station- Amdabad, District- Katihar..... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 16-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Amdabad P.S.
Case No. 142 of 2015 registered for the offences punishable under
Section 376 of the Indian Penal Code and Sections 4/6 of the
Prevention of Children from Sexual Offences Act.

Allegedly, after giving assurance to marry the petitioner
developed physical relationship with the informant and continued
the same, resulting, the informant became pregnant and in
panchayati the petitioner was ready to marry but he was instigated
by other co-accused and then denied to marry with the informant.

Submission is of false implication and that the informant is
major one which is evident from the report of the doctor, she has
given consent to develop physical relationship as alleged, the
petitioner was ready to marry with her and as such no offence as



alleged is made out, the petitioner is suffering in custody since 04.01.2016 and as such the petitioner deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the informant is also minor and the case is running in the POCSO Court.

In the facts and circumstances stated above, considering the nature of allegation and 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 Sri R. P. Sinha, A.D.J. Ist, Katihar in connection with Amdabad P.S. Case No. 142 of 2015, subject to the conditions that one of the bailors must be a 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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