

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.957 of 2017

Arising Out of PS.Case No. -258 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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1. Md. Javed, Son of Late Md. Khalil, Resident of Mohalla- Darji Tola,
P.O. M.I.T., P.S. Brahampura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sri Atul Chandra

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

3 04-02-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 376 and 511 of the I.P.C and sections 4,
8, 12, 17 and 18 of the POCSO Act.

Allegedly, the petitioner tried to outrage the modesty
of minor daughter of the informant.

Submission is of false implication and that the
petitioner is in custody since 27.10.2016 having no criminal
antecedent, charge sheet has already been submitted and there is
no chance of tampering with the prosecution evidence, the
statement of the victim has not been recorded either under section
161 of the Cr.P.C. or under section 164 of the Cr.P.C. and as such



the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge POCSO Act, Muzaffarpur in Barahampura P.S. Case No. 258 of 2015/ Trial No. 46 of 2016, 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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