

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45448 of 2017

Arising Out of PS.Case No. -251 Year- 2017 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Sahrun Gaddi S/o Akbar Gaddi, resident of Village- Sheikh Toli, Baira
Gadiyani, P.S.- Nautan, District- West Champaran (Bettiah).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Bimlesh Kumar Pandey, Advocate

For the S t a t e : Mr Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-09-2017

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in a case registered under
Sections 376/511 of Indian Penal Code and Section 4 of POCSO
Act.

The information has been lodged by the father
alleging that the victim girl, while attending the call of nature, was
caught hold by the petitioner. It is further alleged that attempt to
physically exploit the victim girl was made by the petitioner on the
point of knife and that on alarm raised by her when informant
reached at the spot, he fled away. The information was lodged on
23rd of June, 2017 in relation to an occurrence of 21st of June,



2017. Counsel for the petitioner submits that he has been falsely implicated in this case. He draws the attention of the Court towards the statement made by the victim girl under Section 164 of Criminal Procedure Code wherein she has denied the knowledge about the identity of the perpetrator and at best from the same, it appears that whoever was there, had only caught hold the victim and closed her mouth. It is further submitted that on the basis of such allegation, the petitioner is in custody since 24.06.2017 and prior to the instant case, there is no criminal antecedent of the petitioner.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I –cum- Special Judge, West Champaran at Bettiah in Nautan Police Station Case No 251 of 2017 subject to the following conditions:

- (i) *That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.*
- (ii) *That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.*



- (iii) *That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.*
- (iv) *That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.*
- (v) *That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.*

(Madhuresh Prasad, J)

M.E.H./-

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