

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55941 of 2017

Arising Out of PS.Case No. -204 Year- 2016 Thana -BALIA District- BEGUSARAI

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1. Amit Sah @ Sukru Son of late Naresh Sah Resident of Village- Chhoti
Balua Bazar, Police Station- Balua, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neelam Kumari

For the Opposite Party/s : Mr. Sri Anil Kumar

For the Informant : Mr. Radha Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-11-2017 Heard the parties.

The petitioner seeks regular bail in connection with Balua
P.S.Case No.204 of 2016 registered for offences punishable under
Sections 341, 323, 363, 366(A), 368, 370(A), 370(D), 372, 373
and 120(B/34 of the Indian Penal Code and Sections 3, 4, and 6 of
the Immoral Traffic Act and Sections 4 & 8 of the POCSO Act.

Earlier the prayer for bail of the petitioner was disposed of
with direction to the learned court below that once the charge-
sheet is filed, he will examine the materials against the petitioner
and will pass appropriate order.

It appears that the charge-sheet has been filed and it
appears from the impugned order that the learned trial court has
discussed the material in details and rejected the prayer for bail of



the petitioner.

Submission of the learned counsel for the petitioner is that enmity is going on between the parties with respect to the land dispute and the petitioner is cousin brother of the victim and it can not be expected that he will commit such act with his own cousin. It has also been submitted that he is in custody for seven months and he is ready to abide by any condition imposed upon him.

Heard learned A.P.P. also and the learned counsel for the informant. They have opposed the prayer for bail stating that the girl in her statement recorded under Section 164 Cr.P.C. has not named this petitioner and though she has named other accused persons, who have been granted bail.

It has also been submitted on behalf of the learned counsel for the petitioner that if any short time is fixed for conclusion of the trial, the petitioner is ready to co-operate in the same.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge V, Begusarai in connection with Sessions Trial No.438 of 2017 arising out of Balia P.S. Case No.204 of 2016.



With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

At the same time, the learned trial court is directed to conclude the trial within a period of six months and it is needless to say that the petitioner has to co-operate in conclusion of the trial, otherwise his bail bonds shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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