

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25323 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -JAMOBABAZAR District- SIWAN

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Md. Nazir Hussain, Son of Md. Rabi Hussain, Resident of Village-
Tetahli, Police Station- Barharia, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 01-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.02.2017 in connection with Jamo Bazar P.S. Case No. 12 of
2017 for offences punishable under Sections 363, 372 of the
Indian Penal Code and sections 6, 8, 12 of the POCSO Act.

The prosecution case, as lodged by the informant, is that
his daughter Juhi Kumari aged 14 years studding in class-VI is
traceless from the house. Nearby people had told that she was found
going along with the petitioner. It is alleged that the petitioner must
have sold her to the orchestra party in which he was working.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and no



such occurrence took place. He submits that the date of occurrence is 30.01.2017, F.I.R. has been lodged after three days delay and no plausible explanation has been given for such delay. He submits that the victim girl was recovered on 06.02.2017 and in her statement under Section 164 of the Cr. P.C. she has not alleged any overt act by the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that although the victim girl has not alleged of any overt act but she has stated in statement under Section 164 Cr. P.C. that she was sold to the orchestra party and the medical report assesses her age as 16-17 years as such, she was a minor.

Considering the facts and circumstances and the materials on record since charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Siwan in connection with Jamo Bazar P.S. Case No. 12 of 2017, subject to the conditions that :



- (i) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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