

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52712 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -JAMALPUR District- MUNGER

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Md. Chand @ Md. Chand Alam			Petitioner
	Versus		
The State of Bihar			Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-11-2017 Counsel for the petitioner and the State are present.

The petitioner seeks bail in a case registered for the offence under sections 354(A) of the IPC as well as under section 4 of the POCSO Act.

Counsel for the petitioner submits that he is a victim of false implication and as per Annexure 2 of the bail petition he is 30% orthopaedically handicapped. He is student of B.A. and due to lodging of this case his career has jeopardized. Prior to the instant case, no case is pending against him and he is in custody since 31.7.2017. Cognizance has also been taken and as such there is no chance of tempering with the evidence.

In the facts of the case, the bail application is allowed. Let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Special Judge, POCSO cum Additional Sessions judge 1st, Munger in Jamalpur Police Station Case No. 120 of 2017 on the following conditions:-

(a) 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 him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(b) 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.

(c) 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.

(d) 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.

(e) 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)

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