

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1371 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Md. Pinku @ Sartalli Son of Md. Islam Resident of Kazipura Ward No.
2, Police Station- Kahalgaun, District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravina Kumari

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2017 The appellant seeks regular bail in connection with

Kahalgaon P.S. Case No. 60 of 2016, registered for offences

punishable under Section 354 (A), 34 of the Indian Penal Code,

Section 8 of POCSO Act and Section 3(xii) of SC/ST (POA) Act.

Allegation against the appellant that he along with other

co-accused of this tried to outrage the modesty of the informant on

the point of knife.

It has been submitted on behalf of the appellant that he

has falsely been implicated in this case and no occurrence as

alleged has taken place. Further no injury was caused to the person

of informant. It has also been submitted that appellant has no

criminal antecedent and has been in judicial custody since

27.02.2017.



Heard learned Special P.P. also.

Having heard both sides, no doubt the allegation is serious, however, considering the fact that appellant has remained in judicial custody for four and half months and has no criminal antecedent, this appeal is allowed and impugned order is set aside. Let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhagalpur, in connection with Kahalgaon P.S. Case No. 60 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence or shall not threaten the informant.
- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the



court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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