

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45565 of 2017

Arising Out of PS.Case No. -222 Year- 2017 Thana -MARHAURA District- SARAN

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1. Bandhu Rai, S/o Ram Layak Rai, @ Ram Layak Prasad, Resident of village Mohammadpur, P.S. Marhowrah, O.P. Gaura, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-09-2017 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Marhowrah PS case no. 222 of 2007 registered for the offences punishable under Sections 341, 323, 354(B), 448, 307 of Indian Penal Code and Section 3/4 of POCSO Act.

As per the FIR, the informant aged about 14 years has alleged that while she was alone in the house of her maternal uncle and was studying at the roof of the house, the petitioner herein came at the roof and started misbehaving with her and when the informant told the petitioner that she will complain to her maternal uncle, the accused dragged the informant to the stairs and assaulted her.



The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and the injuries alleged are simple in nature which do not corroborate the alleged incident as narrated by the informant. It is further submitted that the petitioner has clean antecedent and is not an accused in any other case apart from the present one and is a young boy of about 19 years.

Having regard to the facts and circumstances of the present case as well as the nature of accusations, I am not inclined to grant regular bail to the petitioner at this moment. However, interest of justice would be served if the petitioner is released from custody immediately upon completion of six months in custody from today.

Accordingly, I direct the petitioner to be released immediately upon completion of six months in custody from today to the satisfaction of 1st Addl. Sessions Judge-cum-Special Judge (POSCO) Act, Saran at Chapra as well as subject to such other conditions as may be imposed by the learned trial court.

With the aforesaid observations, the instant petition is disposed of.

(Mohit Kumar Shah, J.)

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