

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.861 of 2017

Arising Out of PS.Case No. -273 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

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Umesh Sah, S/o late Nathu sah, R/o village- Pratap Patti, P.S.- Sahebganj,
District-Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Md. Salahuddin Khan, Advocate

For the Opposite Party : Mr. Manoj Kumar – 1(APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 341, 323, 376, 511, 379, 506/34 of Indian
Penal Code and under Sections 8 and 18 of the POCSO Act.

It is alleged in the written report that petitioner
attempted to commit rape with the informant after pressing her
mouth.

It has been submitted on behalf of the petitioner that
charge sheet has been submitted against him under Sections 341,
323 and 354A of I.P.C and under Section 8/18 of POCSO Act but
cognizance has been taken by the learned 1st Addl. Sessions
Judge-cum-Special Judge under Sections 376/511 of the Indian
Penal Code and under Section 8/18 of POCSO Act. It has further



been submitted that petitioner and informant are uncle and niece.
There is dispute for partition in the family.

In the aforesaid circumstances, since charge sheet has been submitted against the petitioner for the offence under Sections 341, 323, 354(A) of the Indian Penal Code and under Section 8/18 of POCSO Act but cognizance has been taken under Sections 376/511 of Indian Penal Code and under Section 8/18 of POCSO Act, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum- Special Judge POCSO Act, Muzaffarpur, in connection with Sahebganj P.S. Case No. 273 of 2014, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J.)

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