

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75134 of 2018

Arising Out of PS. Case No.-321 Year-2018 Thana- AMARPUR District- Banka

Manish Shah son of Rajendra Shah, resident of Village- Koindha, P.S. Amarpur, District Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shree Niwas Singh

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Amarpur P.S. Case No. 321 of 2018 registered for the offence punishable under Sections 341, 323, 376 of the Indian Penal Code and Section 4 of POCSO Act, 2012.

Informant has alleged that on 20.06.2018 when she was going to attend the call of nature, in the outskirt of village she saw that petitioner Manish Shah and accused Nityanand Thakur were coming on motorcycle and after dropping Nityanand Thakur from motorcycle petitioner Manish Shah went away and thereafter accused Nityanand Thakur forcibly took her away in a lonely hut and committed rape upon her. In her FIR she has denied that petitioner has not committed any



offence nor he was present at the place of occurrence. Petitioner has no criminal antecedent and he is in custody since 13.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1-cum-Special Judge, Banka, in connection with Amarpur P.S. Case No. 321 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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