

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68761 of 2018

Arising Out of PS. Case No.-66 Year-2018 Thana- BALTHAR District- West Champaran

Islam Mian Hazam, Son of Kuraish Mian, Resident of Village-Lakhaura, P.S.-
Balthar, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.N.P. Sinha, Adv & Ms. Rashmi Bharti, Adv
For the State	:	Mr. Sri Madhuranand Jha, APP
For the Informant	:	Mr. Umesh Chandra Verma, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner seeks bail in **Balthar P.S. Case No. 66 of 2018** registered for the offence punishable under Sections 376, 323, 504, 506, 341/34 of the Indian Penal Code, Section 4 of the POCSO Act and Section 67 of the I.T. Act.

Informant who herself is the victim has alleged in her written complaint that while she had gone to attend the call of nature petitioner along with FIR named accused came and caught her and thrashed her down and tore her clothes and committed rape and also took nude photos from his mobile and uploaded on Whatsapp.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to



land dispute. Medical report denies any type of external or internal injury as well as sexual assault. Date of occurrence is 20.05.2018 whereas FIR was instituted on 28.05.2018. Petitioner has got no criminal antecedent and is in custody since 31.05.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

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/- with two sureties of the like amount each to the satisfaction of learned **Additional District Judge-I cum Special Judge, Bettiah, West Champaran**, in connection with **Balthar P.S. Case No. 66 of 2018**, with following conditions:-

(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 represented on each and every date fixed by the court.

(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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