

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14555 of 2018

Arising Out of P.S.Case No. -46 Year- 2017 Thana -MAHILA P.S. District- SITAMARHI

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1. Md. Islam Son of late Damri Mian
2. Sahadat@ Md. Sahadate Son of Islam @ Md. Islam Both are resident of
Village- Parsauni, Melwar, P.S. Parsauni, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-04-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Sitamarhi (Mahila) P.S.Case No.46 of 2017 , registered for offences punishable under Sections 506/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

Allegation against the petitioners as per FIR is of commission of rape on the assurance of marriage against one Saddam. Petitioners are brother of Md. Saddam and allegation against them is that they came to the house of the informant and assaulted.

Submission of the learned counsel for the petitioners is that the main allegation is against the son of the petitioner no.1 and they are father and brother as such they have been falsely implicated in this case to put pressure on him.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1-cum-Special Judge (POCSO Act), Sitamarhi in connection with sitamarhi Mahila P.S.Case no.46 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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