

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48887 of 2018

Arising Out of PS.Case No. -8 Year- 2016 Thana -CHAURADANO District- EASTCHAMPARAN
(MOTIHARI)

=====

Khairati Mian @ Khairati Miya, S/o Suleman, R/o Vill.- Prainiya, P.S.-
Darpa, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastriji, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
07.03.2016 in connection with POCSO Trial No. 9/2016 (P. Tr.
No. 9/2016), arising out of Chauradano P.S. Case No. 8/2016 for
the offence registered under Sections 341, 324, 307 and 354 of the
IPC in which charge sheet has been submitted under Sections 341,
324, 307, 354 of the IPC, 8 and 10 of POCSO Act.

The prosecution story, in brief, is that while the
informant was returning after providing lunch to her brother, on
the way, the accused person caught hold of her and gave a knife
blow on her private part.



This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 30935 of 2016 dated 14.09.2016 with an observation “at this stage”.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.03.2016. He has remained in custody for more than two and half months .Charge sheet has been submitted in the present case. He has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Petitioner is not named in the F.I.R. After a period of one and half months, name of the petitioner has come in the present case at the instance of brother of the victim. The petitioner was not put on T.I. Parade to ascertain his involvement in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. His name has come in the present case in course of investigation as it is evident from paragraph no. 28 of the case diary.

Considering the period of custody, 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 learned 1st Additional Sessions Judge-cum-Special Judge, Motihari, East Champaran in connection with POCSO Trial No. 9/2016 (P. Tr. No. 9/2016), arising out of Chauradano P.S. Case No. 8/2016.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

