

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40462 of 2018

Arising Out of PS.Case No. -336 Year- 2017 Thana -BIKRAM District- PATNA

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1. Md. Suhail, Son of Md. Sarfaraj, Resident of Village- Mozakka, P.S.-
Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-09-2018 Heard the parties.

The petitioner seeks regular bail in connection with Bikram P.S.Case nO.336 of 2017 registered for offences punishable under Sections 376, 511 of the Indian Penal Code, Sections 4, 6,8 of POCSO Act.

Allegation against the petitioner is that he attempted to commit rape upon the minor daughter of the informant, who is aged about eight years.

Submission of the learned counsel for the petitioner is that para nos. 3 and 7 shows that the petitioner has only undress her paint and para nos. 8, 9 & 10 shows that there is land dispute between the parties. It has further been submitted that the informant is the sister-in-law of the petitioner and due to land



dispute he has been falsely implicated in this case. Petitioner is in custody since 28.3.2018.

Heard learned A.P.P. also and the learned counsel for the informant. They have opposed the prayer for bail stating that in the statement recorded under Section 164 Cr.P.C. she has stated that she was undress by the petitioner and he tried to commit rape upon her.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the fact that he is in custody for six months, the prayer for bail of the petitioner is allowed and let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge 1st, Patna in connection with Bikram P.S.Case No.336 of 2017 dated 19.11.2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.



With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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