

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44574 of 2018

Arising Out of PS. Case No.-175 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Momtaj Koraishi, Son of Nezam Koraishi, Resident of Village- Chikpatti,
Police Station- Town, Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP 13

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-07-2018

Heard the learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 175 of 2018 registered for offences punishable under Sections 448, 341, 323, 337 and 325/34 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act.

Allegation, as per first information report, is that one co-accused has pulled the daughter of the informant inside the house of the petitioner and he is the land-lord and the co-accused is the tenant in this case.

Submission of the learned counsel for the petitioner is that there is no allegation of Protection of Children from Sexual Offences Act against this petitioner rather only allegation is that



he has not protested.

Heard learned Additional Public Prosecutor also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, named above, 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/- (rupees twenty-five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, POCSO Act, East Champaran at Motihari, in connection with Motihari Town P.S. Case No. 175 of 2018 subject to the condition as laid down under Section 438(2) of the Criminal Procedure Code as well as 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 evidence.

(III) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free



to move for cancellation of his bail bond.

With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

Shamshad/-

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