

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72420 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- SAKATPUR District- Darbhanga

Md. Kapeel Nadaf @ Md. Kafeel Nadaf S/o Late Md. Fakir Nadaf Resident
of Village-Mahiya, P.S.-Saketpur, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shama Sinha
For the Opposite Party/s : Mr.Sri Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in Sakatpur P.S. Case No. 52/2018 registered for the offence punishable under Sections 341, 342, 323, 376(2)(n), 120(B)/34 of the Indian Penal Code and Sections 4/6/8 of POCSO Act.

The informant has alleged that the accused persons committed rape upon her daughter. Allegation against the petitioner is that he came at the place of occurrence and tried to take away the motorcycle which was used by the accused persons.

Learned counsel for the petitioner has submitted that he has been falsely implicated due to village politics. The petitioner had contested for the post of Mukhiya in the year 2016 in which he lost to one Suresh Singh who was sitting



Mukhiya and at the instance of Suresh Singh he has been named in the present case. Petitioner has no criminal antecedents and he is in custody since 04.09.2018.

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 Sessions Judge-cum-Special (POCSO Act), Darbhanga in connection with Sakatpur P.S. Case No. 52/2018, 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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