

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49029 of 2019

Arising Out of PS. Case No.-243 Year-2014 Thana- MAHUA District- Vaishali

MD. AKARM @ MD.AKRAM Son of Md.Tauhid Resident of Hasanpur
Osti, P.S.- Mahua, Distt - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-09-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 341, 323, 363, 366A and 376 of the Indian Penal Code and Sections 4, 8, 10 and 18 of POCSO Act.

Allegation against the petitioner is of enticing away the daughter of the Informant on 30.06.2014 along with two co-accused persons for purpose of marriage and thereafter dropped her at her house on 10.07.2014 on social pressure.

It has been submitted on behalf of the petitioner that petitioner has been falsely implicated in this case. There is delay in lodging the FIR. The medical report has been enclosed as Annexure-2 wherein the Doctor has found no external injury either on her body or on her private part. The Doctor has



assessed her age between 16-16^{1/2} years.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and is in custody since 02.07.2019. A compromise petition has been filed in the court below, copy of which has been enclosed as Annexure-3 series.

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 court below where the case is pending, in connection with **Mahua P.S. Case No. 243 of 2014**, 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/her absence on two consecutive dates without sufficient reason, his/her 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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