

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63516 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- BAKHTIYARPUR District- Patna

Md. Kudrat aged about 19 years (Male), Son of Jiyauddin @ Md. Jayauddin
Resident of Village - Mogalpura Bigha, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 20-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Special (POCSO) No. 91 of 2019, arising out of Bakhtiyarpur P.S. Case No. 157 of 2019, registered for the offence under Section 307 & other allied sections of the Indian Penal Code, Section 27 of the Arms Act and Section 12 of the POCSO Act.

As per F.I.R., there is allegation against petitioner of giving fire-arm injury on the thigh of one relative of the informant as also assaulting and abusing to the informant's daughter.

Learned counsel for the petitioner submits that there is case and counter case and both sides have sustained injury. Though, it is alleged that petitioner has given fire-arm injury, but the injury is said to have caused on non-vital part of the body as also no case of POCSO Act is made out against the petitioner. In the case, chargesheet has also been submitted and



as such, there is no chance of tampering with the evidence. The petitioner is in custody since 25.05.2019.

Learned A.P.P. as well as learned counsel for the informant have vehemently opposed the prayer for bail.

However, considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged 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 Addl. Sessions Judge 1st cum Special Judge, POCSO, Patna in connection with Special (POCSO) No. 91 of 2019, arising out of Bakhtiyarpur P.S. Case No. 157 of 2019 on the following conditions:

(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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