

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.69084 of 2018

Arising Out of PS. Case No.-947 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Aayub Mian @ Ayur Alam S/o Kalu@ Kallu Mian R/o Vill- Sandesh, P.S. Sandesh, Distt. Bhojpur. Petitioner/s

Versus

1. State of Bihar.
 2. Shyam Babu Gupta S/o late Anant Gupta R/o Village- Sandesh, P.S. Sandesh, Distt.Bhojpur. Opposite Parties.
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Appearance :

For the Petitioner : Mr. Rajib Ranjan Jha, Advocate.
For the Informant : Mr. Chandan Kumar Verma, Advocate.
Mr. Dilip Kumar Roy, Advocate.
For the State : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 13-02-2019 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner seeks bail in Complaint Case No. 947 C of 2017 registered under Sections 323, 324, 377, 307 and 120/34 of the Indian Penal Code.

The petitioner along with four other named accused persons are said to have committed sodomy against the minor son of the complainant and dumped him from running bus.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to animosity. The occurrence is said to be of 06.04.2017 but the complaint has been lodged after inordinate and abnormal delay of two and half months i.e. on 29.06.2017. It is further submitted that earlier to the complaint petition the complainant



has filed a petition before the Public Grievance Redressal Officer on 27.05.2017 and before the Superintendent of Police, Bhojpur at Ara on 22.06.2017 regarding the said occurrence but he has not named the petitioner in the said occurrence and later on falsely implicated the petitioner in the case as an afterthought. Petitioner has been languishing in custody since 07.06.2018.

Per contra, learned counsel for the complainant and learned APP for the State opposing bail petition submitted that the petitioner has committed heinous offence against the minor son of the complainant and dumped him from the running bus inflicting several injuries to the victim, hence he does not deserve bail.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Complaint Case No.947 (C) of 2017.

(Prakash Chandra Jaiswal, J)

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