

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83991 of 2019

Arising Out of PS. Case No.-236 Year-2019 Thana- SIWAN GRP CASE District- Siwan

Md. Mainuddin, Son of -Ainul Haque Resident of Village- Sarsar, P.S.-
Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vitesh Kumar Singh

For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 18.11.2019 in a case registered for the offences punishable under Sections 341, 342, 323 and 354A of the IPC, Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case is that on 17.11.2019 at about 7.30 P.M., the informant was standing on platform no. 8 at New Delhi Railway station when one person, alleging that the



informant has stolen his mobile phone, caught hold of the informant and forcibly made her board in the train. Subsequently, when the informant raised alarm, the accused person handed her over to the Siwan police, where she lodged the FIR against the petitioner.

It is submitted by learned counsel for the petitioner that from the accusation levelled, offences under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 are not made out against the petitioner. It is further submitted that only on the basis of suspicion, the petitioner has been roped in the present case. Moreover, the informant, in her statement recorded under Section 164 Cr. P.C., has not named the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the genesis of the occurrence and the fact that investigation has already been concluded and the period under custody, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner



be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-I, Siwan in connection with Siwan Rail P.S. Case No. 236 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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