

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34133 of 2020

Arising Out of PS. Case No.-328 Year-2019 Thana- DHAKA District- East Champaran

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IMTEYAJ Son of Late Abujar @ Abdul Jahar Resident of Village -
LaHSaniya, P.S.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-12-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of POCSO No. 79 of 2019 arising out of Dhaka (Pachpakri) P.S. Case No. 328 of 2019, disclosing offences punishable under Sections 363,366A and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offence Act, 2012.

The petitioner had earlier approached this Court for grant of regular bail, giving rise of Cr. Misc. No. 70868 of 2019, which was dismissed by an order dated 04.06.2020 with a liberty to the petitioner to renew his prayer for bail after examination of the informant during the trial.

This application has been filed, renewing the prayer



for regular bail with a copy of the deposition of the informant of the concerned POCSO Trial No. 79 of 2020 before the Court of First Additional Sessions Judge-cum-Special Judge POCSO Act, East Champaran.

This is to be noted that there is allegation in the FIR of establishing sexual relationship with the minor on the false pretext of marrying her. With reference to the deposition of the informant, learned counsel appearing on behalf of the petitioner has submitted that the informant has been declared hostile on the request of the prosecution and that she has not fully supported the accusation against the petitioner. The petitioner is in custody since 02.09.2020.

Considering the above circumstance, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in POCSO Trial No. 79 of 2019 arising out of Dhaka (Pachpakri) P.S. Case No. 328 of 2019.

(Chakradhari Sharan Singh, J)

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