

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44011 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Md. Imtiyaz Hazam, age about 28 years, Male, Son of Amen Hajam Resident of Village - Belauri, Ward no. 9, P.S.- Mohania, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 354, 354(A), 341, 323 and 504/34 of the Indian Penal Code and Section 6 of the POCSO Act registered in connection with Bhabua Mahila P.S. Case No. 25 of 2019.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion except which there is no objective material to connect him with the alleged occurrence. There is case and counter case between the parties. The petitioner's name has not been named in the FIR nor even by the so-called victim girl in her deposition recorded under Section 164 of the Cr.P.C. Similarly situated other accused persons, namely, Istiyak Sulemani, Teju Sulemani and Aslam Sulemani have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 21.05.2019 passed in Cr. Misc. No. 32980 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 1, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 25 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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