

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76716 of 2018

Arising Out of PS. Case No.-112 Year-2018 Thana- JAMHOR District- Aurangabad

NEZAM PAWARIYA @ NAZAN PAWARIYA @ NAAZAN Son of Naseem
Khalifa @ Naseem Pawariya, Resident of Village- Kara, Rasool Bagh, P.S.-
Obra, District- Aurangabad Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakib Ayaz

For the Opposite Party/s : Mr.Yogendra Kumar Singhapp

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 366(A), 342, 376 & 420 IPC and Section 4 of the POCSO Act, registered in connection with Jamhore P.S. Case No. 112 of 2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact, it is a case of love affair between the petitioner and the informant. Even though she supported the prosecution case, in her deposition recorded under Section 164 Cr.P.C. in which she has categorically stated that she voluntarily went with the petitioner to Mumbai for marrying him, but on being threatened by her family members she returned back and she still wants to live with the petitioner. As such, it is submitted that the ingredients of offences under Section 366(A) IPC are not made out against the petitioner. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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 1st Additional District & Sessions Judge-cum-Special Judge, POCSO Act, Aurangabad in connection with Jamhore P.S. Case No. 112 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

Chandran/-

(Vikash Jain, J)

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