

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16630 of 2020

Arising Out of PS. Case No.-501 Year-2019 Thana- PHULPARAS District- Madhubani

MD. ISHRAIL, S/o Md. Rajjak @ Mohammad Rajjak Miyan R/o village-
Sindpura (Sonarpur) Ward No. 3, P.S.- Jhanjharpur, Araria Sangram O.P.,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 23-11-2020 Heard Mr. Anant Kumar Bhashkar, learned

counsel for the petitioner and Mr. Satyavrat Verma,

learned APP for the State.

The petitioner seeks bail in connection with

Phulparas P. S. Case No. 501 of 2019 dated

10.12.2019, instituted for offences under Sections 363

and 366A of the Indian Penal Code. It further appears

from the records that a requisition has been filed for

adding sections 3/4 of the POCSO Act, 2012 against the

accused person.

The petitioner and another are alleged to have



kidnapped the minor daughter of the informant.

It has been submitted on behalf of the petitioner that the petitioner as well as the victim surrendered before the Jhanjharpur Police Station on 17.12.2019 but for reasons which are inexplicable to the petitioner, he was arrested in the aforesaid case.

The victim was subjected to medical examination on 17.12.2019 only in which it could not be ascertained whether the victim was sexually assaulted. No doubt, the victim was minor at the time of the commission of the occurrence but in her statement under Section 164 Cr.P.C. which was recorded on 18.12.2019, the victim has not alleged any sexual assault by either the petitioner or his associate.

The petitioner is stated to be in custody since 17.12.2019.

This Court had on an earlier occasion called for a report from the court below about the stage of the case which report has since been received. The report



indicates that by the next date i.e., 30th of October, 2020, the case shall be committed to the Court of Sessions after providing all relevant police papers to the petitioner.

From the report, it appears that there is no likelihood of the trial being concluded in the near future.

Regard being had to the entire set of facts and the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, District – Madhubani, in connection with Phulparas P. S. Case No. 501 of 2019.

However, it is made clear that the petitioner shall participate in the trial and shall not do anything which would impede the progress of the trial in any manner whatsoever. Should the petitioner attempt doing so or tamper with the evidence in any manner



whatsoever, it would be open for the trial court to proceed for cancellation of bail of the petitioner. If the petitioner does not present himself before the trial court on two consecutive occasions without seeking permission of the trial court, then also his bail shall be cancelled.

The petition stands disposed off with aforesaid observation.

(Ashutosh Kumar, J)

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