

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28683 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- MAHILA P.S. District- Siwan

Jawed Miyan @ Jawed Akhtar, Male, aged about 38 years, Son of Bhola Miyan @ Naymul Hoda, Resident of Mohalla- Chainpur, P.S.- Siswan (Chainpur O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate
For the State : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard Mr. Yogesh Chandra Verma, learned senior advocate assisted by Mr. Ansul, learned counsel for the petitioner and the State through the virtual court proceeding.

The petitioner seeks bail in connection with Siwan Sadar Mahila P.S. Case No. 08 of 2020 registered for the offences punishable under Sections 363, 326, 341, 342, 323, 307, 354B, 376, 504, 506, 120B of the Indian Penal Code and Sections 4 and 8 of POCSO Act.

As per prosecution case, the informant received an information that his daughter aged about 13 years is unconscious in the bathroom of the coaching centre. Thereafter, informant and his family members rushed there and found his petitioner along with two others had caught him while she was



climbing staircase and when she attempted to raise alarm, her mouth was tied by cloth.

It is submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case due to professional rivalry. Petitioner is teacher in the coaching centre. It is further submitted that in the entire prosecution case, there is no allegation of any sexual assault. The victim, in her statement recorded under Section 164 Cr.P.C., has not made any allegation against the petitioner. The victim was medically examined and no sign of rape has been found by the doctor. Petitioner has got clean antecedent, as stated in paragraph-3 of the petition. In this case, chargesheet has already been submitted and petitioner is in jail custody since 24.01.2020. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 24.11.2020 passed in Cr. Misc. No.30041 of 2020.

Considering the aforesaid facts and circumstances and statement of the victim girl recorded under Section 164 Cr.P.C., the bail application of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of



the like amount each to the satisfaction of learned A.C.J.M. 1st,
Siwan in connection with Siwan Sadar Mahila P.S. Case No. 08
of 2020, on the following conditions :

“(1) Petitioner shall cooperate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present, as directed by the Court and
on his absence on two consecutive dates without sufficient
reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.”

(Anjani Kumar Sharan, J)

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