

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25267 of 2020

Arising Out of PS. Case No.-473 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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Rahmat Ali, male, aged about 34 years, R/o Village- Mahna Chowk, P.S.-
Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 01-12-2020 Heard Mr. Jai Prakash Verma, learned counsel for

the petitioner and Mr. Dilip Kumar No.1, learned APP for the

State.

The petitioner seeks bail in connection with Motipur
P.S. Case No. 473 of 2019, dated 19.11.2019, instituted for
the offences under Section 354B of the Indian Penal Code
and Sections 8 and 12 of the Protection of Children from
Sexual Offences Act, 2012.



The mother of a thirteen years old victim girl has alleged in the First Information Report that the petitioner abducted the victim from near a chemist's shop and took her to nearby garden.

It has been submitted on behalf of the petitioner that this accusation is absolutely false and appears to be motivated. In support of the aforesaid argument, he submits that the victim girl, even though is stated to be thirteen years of age, has not specifically named the petitioner, but has only referred to a person who belongs to a different religion and stays somewhere near her house.

The petitioner is in custody since 20.11.2019.

This Court had called for a report about the stage of the case from the Court below, which report has since been received.

It appears from the aforesaid report that charges in this case have already been framed, but on the date of sending the report, no witness had been examined.

Learned counsel for the petitioner, therefore, submits that he has remained in jail for about a year and



there is no possibility of the trial being concluded in the near future. Apart from this, he submits that the offence, which may have been intended by the petitioner, remained incomplete and because of the arrival of village boys, the petitioner is said to have run away from the place of occurrence.

Regard being had to the period of custody of the petitioner and the stage of the case, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Muzaffarpur-Cum-Special Judge, Muzaffarpur in connection with Motipur P.S. Case No. 473 of 2019.

However, it is made clear that the petitioner shall not approach the victim or her family members and shall participate in the trial proceedings. Any effort by the petitioner of tampering with the evidence or threatening the witnesses or making efforts at delaying the conclusion of trial, would render the bail of the petitioner liable to be



canceled.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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