

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13098 of 2021

Arising Out of PS. Case No.-405 Year-2020 Thana- NAUTAN District- West Champaran

Shamshad Alam, Son of Sharif Mian @ Sharif Alam, Resident of Village -
Vaikunthwa, P.S.- Nautan, Dist.- West Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Madhusudan Rai, Advocate
For the S t a t e	:	Mr.Nawal Kishore Prasad, APP
For the Informant	:	Mr. Umesh Chandra Verma, Mr. Abhishek Kumar & Mr. Sharad Kumar Verma, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 28-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned counsel for the informant as well as the learned APP for
the State.

The petitioner seeks bail in connection with Nautan
P.S. Case No.405 of 2020 registered for the offence punishable
under Section 366(A) of the Indian Penal Code and Section 8 of



the POCSO Act.

Referring to the copy of the statement recorded under Section 164 Cr.P.C. of the alleged victim girl, it is submitted that she has claimed herself to be a major and that she has solemnized marriage with the petitioner on her own volition. The submission is that the statement belies the prosecution case altogether. The petitioner is in custody since 23.10.2020.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI-Cum-Special Judge, POCSO, West Champaran, in connection with Nautan P.S. Case No.405 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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