

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13028 of 2021**

Arising Out of PS. Case No.-218 Year-2020 Thana- CHAUSA District- Madhepura

MD AFTAB @ MD AFTAB SAH Son of Md. Sajjad Sah Resident of Village
- Laualagan, Purvi Ward No.6, P.S.- Chausa, Dist.- Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Md. Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Sufyan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with POCSO Case No. 38 of 2020 arising out of Chausa P.S. Case No. 218 of 2020 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences (POCSO) Act.

In the light of the order dated 26.08.2021, a supplementary affidavit has been filed on behalf of the

petitioner stating therein that inadvertently due to typing mistake the name of Md. Imad @ Md. Imdad @ Imdad Sah has been inserted in the cause title of the present bail petition. It has been further pointed out that Md. Imdad has been found juvenile, thus his case has been separated and transferred to the Juvenile Justice Board.

Learned counsel for the petitioner seeks permission to delete the name of 'Md. Imad @ Md. Imdad @ Imdad Sah' from the cause title.

In view of the above facts, let the corrections be carried out.

According to the prosecution case, the victim girl was kidnapped on 22.09.2020 at 1.30 am when she had gone to attend the call of nature. The F.I.R. was lodged after about eighteen days i.e. on 11.10.2018 suspecting the named accused including this petitioner and three-four unknown persons who had kidnapped the victim girl with intention to marry her.

The victim girl has been recovered and in paragraph '29' of the case diary it has come that she was found with co-accused Md. Imdad. In her 164 Cr. P.C. statement she has not named any person. No specific role has been assigned to this petitioner by the victim girl. The age of the victim girl has been

found between sixteen-eighteen years and the medical examination report disclosed no sign of rape.

Mr. Md. Sufyan, learned A.P.P. for the State has placed before this Court the materials present in the case diary, however, it not disputed that in her Section 164 Cr.P.C. statement, the victim girl has not named this petitioner and further she was recovered with co-accused Md. Imdad.

Considering the facts and circumstances of the case, the petitioner who is in jail since 16.10.2020 having no criminal antecedent as stated in paragraph '3' be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO), Madhepura in connection with POCSO Case No. 38 of 2020 arising out of Chausa P.S. Case No. 218 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that after release on bail, the petitioner shall not come in contact with the informant/victim and her family during trial and violating the same shall invite action towards cancellation of bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage

it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.