

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20412 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- SINGHWARA District- Darbhanga

Md. Amir Jamal Son of Md. Jamal Hasmi Resident of Village - Bhapura
(Bhawanpura), P.S.- Singhwara, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood,APP

Mr.Girish Chandra Jha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 31-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Singhwara P.S. Case No. 223 of 2020, registered for the offence under Section 363, 366(A) of the I.P.C. and Section 8 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have kidnapped the grand daughter of the informant for the purpose of marriage.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. In the statement recorded under Section 164 Cr.P.C., the victim girl has specifically stated that she went to the house of her Mausi alone and has not alleged any wrong against this petitioner. The age of the victim has been assessed by the court below, as 17 years. Petitioner is in custody since 16.12.2020. Chargesheet has been



submitted.

However, learned counsel for the informant has vehemently opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody and statement of the victim girl recorded under Section 164 Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Special Judge (POCSO Act), Darbhanga in connection with Singhwara P.S. Case No. 223 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 below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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