

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20957 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- LAURIA District- West Champaran

RAHMAN MIYAN @ NAHMAN MIYAN S/o Late Isamyl Miyan R/V
Marahiya, P.S.- Lauriya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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

2 08-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Lauria P.S. Case No. 137/2020 registered for the offences punishable under Section 354(B), 504, 506 of the Indian Penal Code and Section 8, 12 & 18 of the POCSO Act.

Learned counsel for the petitioner submits that on perusal of the First Information Report itself it would appear that the petitioner has been falsely implicated in this case alleging that he had forcibly caught the hand of the daughter of the informant and had threatened her. Learned counsel submits that the petitioner happens to be the younger brother of the local Mukhiya and because of that political rivalry of the village the petitioner is falsely implicated in this case.

Learned counsel submits that there is no allegation in



the F.I.R. that the petitioner had touched any other part of the body of the daughter of the informant and only allegation is that he had caught forcibly the hand of the daughter of the informant. The F.I.R. has been lodged two days after the alleged occurrence.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, the allegation being that of catching hold of the hand of the daughter of the informant forcibly but the petitioner has remained in jail in connection with this case since 11.12.2020 after he surrendered himself, investigation against him is complete but the trial is not likely to take place in near future, in the only case against him he is said to be on bail, considering this aspect of the matter this court directs release of the petitioner above-named 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 Additional District & Sessions Judge – VII – cum – Special Judge, POCSO, Bettiah, West Champaran, in connection with Lauria P.S. Case No. 137/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar



to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

