

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37850 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- KAMTAUL District- Darbhanga

Md. Nazir Sheikh Son of Jabbar Sheikh Resident of Village- Milki, P.S.-
Samtaula, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Dr.M.K.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kamtaul P.S. Case No. 15 of 2021, registered for the offence under Sections 447, 327, 308, 506, 509/34 of the Indian Penal Code and Section 17 of the POCSO Act.

As per the prosecution case, the petitioner called a panchayat and directed the victim (informant) and her family members to withdraw the case i.e. Kamtaul P.S. Case No. 208 of 2020, which was earlier filed by her (victim) against the son of petitioner, in which, son of the petitioner was sent to jail, but the informant (victim) refused to do so and thereafter, the petitioner alongwith other FIR named accused threatened the victim and her family members, due to which, the victim came in shock



and tried to commit suicide by taking insecticide, but anyhow, she could be saved and present case was lodged against petitioner and others.

It is submitted on behalf of petitioner that a false and concocted case has been lodged against petitioner and others only to put pressure to withdraw Kamtaul P.S. Case No. 295 of 2020, which was lodged by the wife of petitioner against informant. No offence under the POCSO Act is made out against this petitioner. The informant is in the habit of filing case against the petitioner and his family members. Petitioner has been made accused simply because he is father of Md. Farid, against whom, the informant lodged a case, vide Kamtaul P.S. Case No. 208 of 2020. Petitioner is in custody since 16.01.2021. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition and submitted that there is specific allegation against this petitioner that he threatened the victim, who is minor, to withdraw the case, which was earlier filed by her against the son of petitioner.

Considering the nature of allegation and period of custody, 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), Darbhanga in connection with POCSO G.R.No. 07 of 2021, arising out of Kamtaul P.S. Case No. 15 of 2021, 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.)

anay

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

