

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4596 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MD SAYEED @ MD TOOFAN @ TOOFANI S/O- Md. Azam Resident of
Village - Sukerna, Danpatganj, Baisa, Vaisi Purnia, P.S. - Routa, District -
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Pankaj Kr Sinha, Diwakar Sinha,
Ravish Mishra, Advocates

For the Opposite Party/s : Mr Manoj Kr, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Kochadhaman Police Station
(for brevity, *PS*) Case No 40 of 2020 dated 04.02.2020 instituted
for the offence punishable under Sections 363, 366A, 376 of
Indian Penal Code and Section 4 of Protection of Children from
Sexual Offences (for brevity, *POCSO*) Act.

The informant has alleged that his minor daughter has
been taken away by the petitioner.

It is submitted by the petitioner's counsel that First



Information Report (for brevity, *FIR*) itself is evident of the false implication. The same has been lodged on 04.02.2020 whereas the girl is said to be missing since 26.01.2020. There is no explanation for this shocking delay in lodging the FIR in respect of such grave allegations. It is further submitted that FIR alleges that the victim was found walking in the field near the petitioner's house whereas, in her statement recorded under Section 164 of Criminal Procedure Code, victim has stated that she has been returned home by the petitioner after she was kept for 9 days. It is further submitted that the allegation of rape has not been corroborated by the medical report (Annexure 3). The petitioner himself is aged only 20 years and the implication is based on the fact that the petitioner and the victim girl are having some cordial relations from before and the same was being objected to on account of religion. Petitioner is in custody since 05.02.2020.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Kishanganj in connection with Kochdhaman PS Case No 40 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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