

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2778 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- AURAI District- Muzaffarpur

MD. JAFAR ALAM S/o Md. Samsul @ Samsul Rain Resident of Village-
Aurai Ward no.8, P.S.-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-05-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Aurai P.S. Case No. 122 of 2020, dated 05.06.2020, G.R. No. 43 of 2020 registered for the offence punishable under Section 341, 323, 354, 354 B of the Indian Penal Code and Section 8 of POCSO Act and Section 3(i)(r), (s) (w) SC/ST Act.

As per the prosecution case, which is based on written application of the informant that his daughter was grazing her



goat near mango orchard of *Parasnath Rai* situated in village Aurai. It is alleged that petitioner *Md. Jafar Alam* called the victim on the pretext to pick the mangoes and when the victim girl went in the mango orchard, petitioner caught the victim girl and by pressing her mouth, dashed her down with bad intention. It is stated that on the alarm raised by the victim girl nearby villagers gathered and caught the petitioner and handed over him to the police.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is a contradiction in the statement given under Section 164 Cr.P.C. and the prosecution case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and is languishing in custody since 06.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending in connection with Aurai P.S. Case No. 122 of 2020, dated 05.06.2020, G.R. No. 43 of 2020, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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