

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39050 of 2020

Arising Out of PS. Case No.-448 Year-2017 Thana- MAJHAULIA District- West Champaran

PRAVEJ ALAM @ RAHAMAT MIAN @ PARWEJ ALAM S/o Idrashi Mian
@ Idrish Myan, Resident of Village - Joktiya (Nai Diha), P.S. - Majhuwaliya,
District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Majhuwaliya P.S. Case No. 448 of 2017
registered for the offence under Sections 366A/34 of the Indian
Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that though
the F.I.R. was lodged by the father of the victim girl alleging
that the victim girl aged about 22 years has been kidnapped by
the F.I.R. named accused persons and he apprehends that she
had been kidnapped with an intention to marry or to sell her to
his friends, the fact is that the victim girl has come back and she
has made statement under Section 164 Cr.P.C. She has



acknowledged her acquaintance with this petitioner as she was studying in his coaching institute. She has though alleged that she was made unconscious and taken away but she has not alleged commission of any wrong act, later on the victim girl has herself filed an application in the court of learned Sub-Divisional Magistrate, Sadar, Bettiah (West Champaran) saying that she has married with this petitioner as she was in love with him and it is because of this inter-faith marriage the family members of the victim girl are against and they can cause damage to the petitioner.

Learned counsel submits that in the medical examination report also no injury has been found on the body of the victim and no recent sign of sexual assault were present, she has been assessed about 17 to 18 years of age. It is the submission of the learned counsel for the petitioner that the petitioner is in jail since 25.09.2018 in connection with this case but the trial is not likely to be concluded in near future.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the aforesaid submissions of the petitioner and report from the learned trial court that the case is still pending for appearance of one absconding accused and conclusion of the trial would take one



year after framing of charge, this Court is of the view that further incarceration of the petitioner in jail is not likely to come in aid of the prosecution, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge-cum-Spl. Judge, POCSO, West Champaran in connection with Majhuwaliya P.S. Case No. 448 of 2017, 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

