

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8205 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

Kyamuddin Alam Son Of Naushad Ali Resident Of Village- Badka Gavn, P.S-
Bhagwan Hat, Distt- Siwan Petitioner

Versus

The State Of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bhagwan Hat P.S. Case No. 54 of 2019 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal code and Section 8 of POCSO Act.

Learned counsel for the petitioner submits that as per the prosecution story, the allegation against the petitioner is that he along with other accused persons had taken away the minor daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the victim has been assessed major by the learned Magistrate. The petitioner has no criminal antecedent.



Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the statement of the victim who has been assessed major by the learned Magistrate while recording her statement under Section 164 Cr.P.C., this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Bhagwan Hat P.S. Case No. 54 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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'.

