

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8042 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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RAJAN MIYAN @ ISRAFIL @ ISRAFIL MIYA S/o Late Kariman Miya R/o
Village- Laxmipur, P.S.- Purushottampur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

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

Petitioner seeks bail in a case registered for the
offence punishable under Section 376,511,34,506 of the IPC and
Sections 4 and 8 of POCSO Act and Section 67 IT Act.

The prosecution case, in short, is that on 22.10.2021,
accused persons including the petitioner have tried to commit
rape with the minor daughter (the victim) aged about 14 years.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR that no case is made out against the petitioner under Section 376 IPC read with Section 511 of IPC. He further submits that there is no specific allegation against the petitioner as to what he actually acted with the victim. He further submits that it appears from the statement of the victim under Section 164 Cr.P.C. that the petitioner only dragged the victim and no other specific allegation and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Purushottampur P.S. Case No.79 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her 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.

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.

(Rajesh Kumar Verma, J)

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