

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24939 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- OBRA District- Aurangabad

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RIZU KHAN SON OF IRFAN KHAN PERMANENT R/O VILLAGE-
ENGLISH DHANAO, P.S.- NASRIGANJ, DISTRICT- ROHTAS, AT
PRESENT RESIDING AT VILLAGE- OBRA, AZAD MOHALLA MAKAN
MALIK ALAMGIR, P.S.- OBRA, DISTRICT- AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhanu Pratap Singh, Advocate
For the Opposite Party/s	:	Mr Umesh Lal Verma, APP
For the Informant	:	Ms. Mukul Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 05-04-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for grant of regular bail in a
case registered under section 376 of the Indian Penal Code and
section 4 of the POCSO Act.

As per the prosecution case, it is stated by the
informant that while the petitioner was making an effort to
mislead and take away the minor daughter of the informant, he
was caught. It is further stated that even on earlier occasion, the
petitioner has misbehaved with the informant's daughter and has
established physical relations with her.

It is submitted by learned counsel for the petitioner



that on earlier occasion, as per instructions received both the parties being agreeable to marriage and the same stand having been confirmed by learned counsel appearing for the informant, by order dated 15.2.2022 the petitioner was directed to be enlarged on provisional bail in connection with Obra P.S. Case no. 196 of 2020. It is submitted that the petitioner was so released from custody. However, further direction as contained in order dated 15.2.2022 directing the petitioner as also the respondent / informant to file an affidavit stating about the development which has taken place in the meantime was not complied with. Thereafter, it is submitted that once again as per oral instructions received, vide order dated 22.3.2022 submissions were made by both learned counsel for the petitioner as also learned counsel for the informant with respect to the parties having entered into a Nikah. Learned counsel for the petitioner submits that inspite of all efforts, the direction of this Court for filing an affidavit in the instant application was not complied with and now neither he is able to contact the petitioner or his pairvikar nor has he been receiving any instructions. It is submitted that appropriate orders may be passed in the instant application.

Having heard learned counsel for the parties and



taking into consideration the nature of allegation against the petitioner in the FIR together with the conduct of the petitioner in not complying with the directions of this Court as contained in order dated 15.2.2022 followed by 22.3.2022, the prayer for bail of the petitioner in connection with Obra P.S. Case no. 196 of 2020 is hereby rejected.

The application is dismissed.

Consequently the provisional bail granted to the petitioner vide order dated 15.2.2022 passed in the instant application stands cancelled.

The learned trial court is directed to cancel the bail bond of the petitioner.

The petitioner is directed to surrender in the learned court below within a period of two weeks failing which the learned court below as also the Superintendent of Police, Aurangabad are directed to take all coercive steps for taking the petitioner into custody.

(Partha Sarthy, J)

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