

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18018 of 2022**

Arising Out of PS. Case No.-398 Year-2021 Thana- SIKARPUR District- West Champaran

SK.CHHOTAK @ JAMIL HASSAN @ SHEKH CHHOTAK @ SHEIKH
JIMAL HASAN Son of Late Sk. Thag Resident of Village - Mahuwa Bhusha
Ward no.13, P.S.- Gaunaha, Distt.- West Champaran Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-07-2022 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.

The petitioner seeks bail in a case registered for the offence under Sections 366(A) and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The minor daughter of the informant is alleged to have been kidnapped by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the statement of the victim was recorded under section 164 of the Cr.P.C., in which she has made specific allegation against the co-accused, namely Alfaz Dewan,



who forcibly established physical relation with the victim and she further stated in her statement that the petitioner and the co-accused persons taken her to the house of Alfaz Dewan. He further submits that the victim and the co-accused, Alfaz Dewan were having love affairs between them and on that count, the victim herself left her house for the purpose of performing marriage with him, therefore, the petitioner has not played any pivotal role in the alleged occurrence. He further submits that the co-accused namely Razzaque Dewan and Nurain Dewan have been granted bail vide order dated 03.02.2022 passed in Cr. Misc. No. 58118 of 2021 by a co-ordinate Bench of this Court and co-accused, namely, Nayeem Ansari @ Naiem Ansari has been granted bail by this Court vide order dated 14.07.2022 passed in Cr. Misc. No.17333 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 Shikarpur P. S. Case No.398 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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