

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19211 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. AKRAM Son of Md. Esrail @ Md. Ishrail Miyan Resident of Village -
Mordiwa, P.S.- Samstipur Muffasil, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner, the
informant and the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 447, 341, 385,
387, 509, 504, 506 and 34 of the Indian Penal Code and Section
67(A), 67(C) of I.T. Act, 2000 and Section 8, 10 and 12 of the
POCSO Act, in connection with Samastipur Muffasil P.S. Case
No. 16 of 2022.

The allegation against the petitioner is that one Md.
Chand used to tease the informant's daughter and further had
created a Whatsapp group in the name of King Khan in which
indecent photos/videos of the victim girl were being uploaded.



It is alleged that the petitioner was also a part of that group and further allegation is that when the family members went to complaint against Md. Chand, he was amongst them who threatened of dire consequences.

Learned counsel for the petitioner submits that for the said alleged act attributed to him, he has already suffered by being in jail since 7.1.2022 and even the victim girl under section 164 of the Cr.P.C. statement has named Md. Chand and not this petitioner.

Considering the aforesaid fact that the victim girl has made allegation against Md. Chand, the petitioner is in custody since 7.1.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-VI-cum-Special Judge, POCSO Act, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 16 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every day for one month and thereafter every month till conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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