

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.23479 of 2022**

Arising Out of PS. Case No.-179 Year-2021 Thana- HABIBPUR District- Bhagalpur

MD. HASHIM SON OF LATE HALIM R/O- MOHALLA- MOHIBALI  
CHAK, P.S.- HABIBPUR, DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. APP.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

2      13-07-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
POCSO Case No. 20 of 2022 arising out of Habibpur P.S. Case  
No. 179 of 2021 registered for the offences punishable under  
Sections 376, 504, 509, 379, 384 and 34 of the Indian Penal  
Code, Section 4 of the POCSO Act and Section 4 of Dowry  
Prohibition Act.

As per prosecution case, it is alleged that co-  
accused Md. Sanni established physical relationship with the  
victim on pretext of marriage and petitioner and others have  
demanded rupees one lakh and one motorcycle to marry the son



of petitioner ( Md. Sanni) with the victim girl.

Learned counsel for the petitioner submits that petitioner is in custody since 20.03.2022. The petitioner bears criminal antecedent of one case in which he is on bail. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has falsely been implicated in this case for being the father of prime accused Md. Sanni. Petitioner has no connection with the alleged occurrence. He further submits that having similar allegation, co-accused Shabnam @ Bibi Shabnam has already been granted bail by this Court vide Cr. Misc. No. 21533 of 2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO Act-cum-Additional Sessions Judge-VI, Bhagalpur in connection



with POCSO Case No. 20 of 2022 arising out of Habibpur P.S.  
Case No. 179 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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