

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23670 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- NAUTAN District- West Champaran

Abdullah Ansari S/o Md. Hasibullah Ansari R/o village- Jagdishpur Birti
Tola, P.S.- Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Namrata Mishra, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-08-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Nautan (Jagdishpur) P.S. Case No. 253 of 2021 lodged under
Sections 323, 341, 448, 354A, 354B, 504 read with Section 34
of the Indian Penal Code and Section 8 & 12 of the POCSO Act.

Learned counsel for the petitioner submits that the
grave allegation is relating to POCSO Section 8 which is not
made out at all due to the reason that as even after reading the
extreme stretch of the F.I.R. it is clear that there is no allegation
of penetration but simultaneously if gone through the allegation
made in the F.I.R. definitely Section 12 of the POCSO Act is

made out, for which punishment is 3 years and petitioner is in custody more than about 9 months. Learned counsel for the petitioner further submits that there is land dispute between the families of petitioner and informant. The reason for filing the F.I.R. has been narrated in paragraph 7 of the bail petition. It has also been mentioned that the father of petitioner has made allegation against the close relative of the informant relating to her forge appointment which is Annexure-2. Learned counsel for the petitioner further submits that petitioner is in custody since 26.10.2021, charge sheet has already been filed and petitioner has clean antecedent.

Learned counsel for the State opposes the prayer for bail but simultaneously admits that offence under Section 8 of POCSO Act is not made out.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VI-cum-Special Judge, POCSO, West Champaran, Bettiah in connection with Nautan (Jagdishpur) P.S. Case No. 253 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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