

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26847 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- SURSAND District- Sitamarhi

Md Junaid Son Of Md Atikur Rahman R/O- Vill- Shankarpur, Ward No.-6 ,
P.S.- Sursand. Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Sursand P.S. Case No. 361 of 2021 lodged under Sections 341,
447, 323, 354B, 354D, 504, 506/34 of the Indian Penal Code
read with Section 8 of POCSO Act.

As per the prosecution case, the allegation against the
petitioner and 2 others is to shoot video of the daughter of the
informant, upon raising alarm all 3 named accused persons
brought her into Mango Orchard and had taken her naked photo
touching her private part. They have prepared video of same and
threatened to make it public.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner is the culprit of a deep rooted enmity with the family of the informant, in support of his contention learned counsel for the petitioner submits that there are 2 F.I.R's. Which is Annexure No. 3 & 4 are filed by the petitioner party against the informant party much prior to the present F.I.R. Learned counsel for the petitioner further submits that investigation has been completed in this case and Police has filed final form and found that present F.I.R. is not true against the petitioner. He further submits that learned In-charge Court ignoring the final form has taken cognizance in this case. He also submits that petitioner is in custody since 02.03.2022 and petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for bail.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VI-Cum-Special Judge (POCSO), Sitamarhi in connection with

Sursand P.S. Case No. 361 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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