

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29079 of 2022**

Arising Out of PS. Case No.-79 Year-2021 Thana- PURUSHOTTAMPUR District- West
Champaran

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Gulfam @ Gufranullah @ Gufran Son Of Shekh Ehsan @ Ahashan Ahmad
R/O- Laxmipur, P.S.- Purushottampur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

3 31-08-2022 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.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 376, 511, 34, 506 of the

Indian Penal Code and Sections 4 and 8 of the POCSO Act and

Section 67 of IT Act.

The prosecution case, in short, is that on 22.10.2021,

accused persons including the petitioner have tried to commit

rape with the minor daughter (the victim) aged about 14 years.

Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. no case is made out under Section 376 of the Indian Penal Code. He further submits that there is no specific allegation against the petitioner as to what he actually acted with the victim. He further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the petitioner and co-accused person namely Rajan Mian @ Israfirl @ Israfil Miyad has been granted bail by this Court vide order dated 14.07.2022 in Cr. Misc. No. 8042 of 2022 and the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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/- (Rupees 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 Purushottampur P.S. Case No. 79 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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