

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31084 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHILA P.S. District- Araria

Intakhab @ Md. Intakhab @ Intekhab Alam Son Of Bholu @ Akhtar Hussain
@ Md. Akhtar R/O- Village- Gaiyari, Ward No. 13,P.S.- Araria, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376-D of the Indian Penal
Code and Section 4 of the POCSO Act.

According to prosecution case, in brief, is that as per
written application of the informant that before two months
from the date of lodging of FIR i.e. on 04.12.2020, accused Md.
Shahbaj @ Hirva took her daughter in the house of his friend
and committed rape. Subsequently, panchayati was held in
which it was suggested to get married. On assurance of marriage
accused Md. Shahbaj @ Hirva committed sexual intercourse



with the victim and again on 04.12.2020 he came to the house of informant in the night and on the knife point committed rape upon the daughter of informant. Thereafter, again panchayati was held but petitioner and others refused the panchayati and fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is specific allegation of sexual assault against co-accused namely Shahbaj. He further submits that allegation against the petitioner is that he and co-accused Rajik did not obey the decision in Panchayat and helped him to flee away from the house. He further submits that the victim girl was recovered and in her statement recorded under Section 164 Cr.P.C. in which she has categorically stated that co-accused Shahbaj committed rape upon her. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahila P.S. Case No. 130 of 2020, subject to 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 witnesses, 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 antecedent, 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)

mdrashid/-

U		T	
---	--	---	--

